

Appendix D

Comment Letters



HYDRAULIC PROJECT APPROVAL
RCW 77.55.100 - appeal pursuant to Chapter 34.05 RCW

Rec'd 1/12/04
State of Washington
Department of Fish and Wildlife
Region 6 Office
48 Devonshire Road
Montesano, Washington 98563-9618

DATE OF ISSUE: January 8, 2004

LOG NUMBER: ST-E1564-02

The request of, Hiram Arden, in a Public Notice received on January 5, 2004, this Hydraulic Project Approval (HPA), which now supersedes all previous HPAs for this project, is a change of the original HPA issued August 21, 2003.

<u>PERMITTEE</u>	<u>AUTHORIZED AGENT OR CONTRACTOR</u>
Army Corps of Engineers, Navigation Section Attention: Hiram Arden PO Box 3755 Montesano, Washington 98124-3755 Phone: 764-3401	Not Applicable

PROJECT DESCRIPTION: Place Sand on Beach

PROJECT LOCATION: Westhaven State Park, Westport, Latitude 46.90406 North, Longitude 124.12923 West

<u>WRIA</u>	<u>WATER BODY</u>	<u>TRIBUTARY TO</u>	<u>1/4 SEC.</u>	<u>SEC.</u>	<u>TOWNSHIP</u>	<u>RANGE</u>	<u>COUNTY</u>
22.9020	Half Moon Bay	Grays Harbor	01	16	North	12 West	Grays Harbor

TE: WDFW is concerned that the wave diffraction mound is not functioning as planned, due to the remnant jetty rock east of the mound re-aligning the waves diffracted by the mound and concentrating their energy in the erosive area proposed for sand placement. The physical model that the wave diffraction mound was designed to emulate did not have the remnant jetty in place. This remnant jetty was also required to be removed by WDFW as a condition of the wave diffraction mound HPA to provide no-net-loss of the productive capacity of fish habitat as required by State law (WAC 220-110). WDFW believes that this remnant jetty should be removed as soon as possible to reduce erosion and further intervention in this area. As an alternative, and if necessary to indicate if our concerns are valid, the wave diffraction system should be physically modeled with the remnant jetty in place and the results reported to WDFW.

WDFW is additionally concerned about future erosion control interventions in the Half Moon Bay area. We encourage the Corps to involve all interested agencies and parties early in the planning process, to develop interventions that work with the system, and to design any future interventions to utilize natural forces to promote accretion of native material for protection of shoreline developments.

PROVISIONS

TIMING LIMITATIONS: The project may begin **Immediately** and shall be completed by **February 14, 2005**, provided:

- Work below the ordinary high water line shall not occur from **February 15** through **July 14** of any year for the protection of migrating juvenile salmonids.

Work shall be accomplished per plans and specifications entitled, Public Notice CENWS-OD-TS-NS-21R, dated December 24, 2003, and submitted to the Washington Department of Fish and Wildlife, except as modified by this Hydraulic Project Approval. These plans reflect design criteria per Chapter 220-110 WAC. These plans reflect mitigation procedures to significantly reduce or eliminate impacts to fish resources. A copy of these plans shall be available on site during construction.

Contracting Division
ERS, K...
...



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3. All manmade debris on the beach, such as asphalt, concrete, angular rock, metal, plastic, glass, and other unnatural debris shall be removed and disposed of upland such that it does not enter waters of the state.
4. Sand for the beach shall be clean, and obtained from portions of the identified stockpile area that contain the least amount of fines.
5. Project activities shall not occur when the project area is inundated by tidal waters to the greatest extent possible.
6. Use of equipment on the beach shall be held to a minimum, confined to a single access point, and limited to the footprint of the transition beach or any other unnatural material proposed to be removed, such as the remnant jetty. Construction materials shall not touch the beach outside this work corridor.
7. Tracks of equipment shall not operate in the water.
8. Bed material shall not be utilized for project construction or fills.
9. All trenches, depressions, or holes created in the beach area shall be backfilled prior to inundation by tidal waters.
10. Removal or destruction of overhanging bankline vegetation shall be limited to that necessary for the construction of the project.
11. All natural habitat features on the beach larger than 12 inches in diameter, including trees, stumps, and logs, shall be retained on the beach following construction. These habitat features may be moved during construction if necessary.
12. Project activities shall be conducted to minimize siltation of the beach area and bed.
13. If a fish kill occurs or fish are observed in distress, the project activity shall immediately cease and WDFW Habitat Program shall be notified immediately.
14. All debris or deleterious material resulting from construction shall be removed from the beach area and bed and prevented from entering waters of the state.
15. No petroleum products or other deleterious materials shall enter surface waters.
16. Materials shall not be burned below the ordinary high water line.
17. Project activities shall not degrade water quality to the detriment of fish life.

SEPA: Draft NEPA EA by US Army Corps of Engineers, December 2003.

APPLICATION ACCEPTED: January 5, 2004

ENFORCEMENT OFFICER: Nixon 042 [P2]

Robert L. Burkle (360) 249-1217
Assistant Habitat Program Manager

for Director
WDFW



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State of Washington
Department of Fish and Wildlife
Region 6 Office
48 Devonshire Road
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cc: Justine Barton, EPA Seattle
Loree Randall, WDOE Lacey
Bill Jolly, WSPRC Tumwater

GENERAL PROVISIONS

This Hydraulic Project Approval (HPA) pertains only to the provisions of the Fisheries Code (RCW 77.55 - formerly RCW 75.20). Additional authorization from other public agencies may be necessary for this project.

This HPA shall be available on the job site at all times and all its provisions followed by the permittee and operator(s) performing the work.

This HPA does not authorize trespass.

The person(s) to whom this HPA is issued may be held liable for any loss or damage to fish life or fish habitat which results from failure to comply with the provisions of this HPA.

Failure to comply with the provisions of this Hydraulic Project Approval could result in a civil penalty of up to one hundred dollars per day or a gross misdemeanor charge, possibly punishable by fine and/or imprisonment.

All HPAs issued pursuant to RCW 77.55.100 or 77.55.200 are subject to additional restrictions, conditions or revocation if the Department of Fish and Wildlife determines that new biological or physical information indicates the need for such action. The permittee has the right pursuant to Chapter 34.04 RCW to appeal such decisions. All HPAs issued pursuant to RCW 77.55.110 may be modified by the Department of Fish and Wildlife due to changed conditions after consultation with the permittee: PROVIDED HOWEVER, that such modifications shall be subject to appeal to the Hydraulic Appeals Board established in RCW 77.55.170.

APPEALS - GENERAL INFORMATION

IF YOU WISH TO APPEAL A DENIAL OF OR CONDITIONS PROVIDED IN A HYDRAULIC PROJECT APPROVAL, THERE ARE INFORMAL AND FORMAL APPEAL PROCESSES AVAILABLE.

A.
INFORMAL APPEALS (WAC 220-110-340) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.100, 77.55.110, 77.55.140, 77.55.190, 77.55.200, and 77.55.290:

A person who is aggrieved or adversely affected by the following Department actions may request an informal review of:
(A)

The denial or issuance of a HPA, or the conditions or provisions made part of a HPA; or

(B)

an order imposing civil penalties,

it is recommended that an aggrieved party contact the Area Habitat Biologist and discuss the concerns. Most problems are resolved at this level, but if not, you may elevate your concerns to his/her supervisor. A request for an INFORMAL REVIEW shall be in WRITING to the Department of Fish and Wildlife, 600 Capitol Way North, Olympia, Washington



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98501-1091 and shall be RECEIVED by the Department within 30-days of the denial or issuance of a HPA or receipt of an order imposing civil penalties. The 30-day time requirement may be stayed by the Department if negotiations are occurring between the aggrieved party and the Area Habitat Biologist and/or his/her supervisor. The Habitat Protection Services Division Manager or his/her designee shall conduct a review and recommend a decision to the Director or its designee. If you are not satisfied with the results of this informal appeal, a formal appeal may be filed.

B.
FORMAL APPEALS (WAC 220-110-350) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.100 OR 77.55.140:

A person who is aggrieved or adversely affected by the following Department actions may request an formal review of:

(A)

The denial or issuance of a HPA, or the conditions or provisions made part of a HPA;

(B)

An order imposing civil penalties; or

(C)

Any other "agency action" for which an adjudicative proceeding is required under the Administrative Procedure Act, Chapter 34.05 RCW.

A request for a FORMAL APPEAL shall be in WRITING to the Department of Fish and Wildlife, 600 Capitol Way North, Olympia, Washington 98501-1091, shall be plainly labeled as "REQUEST FOR FORMAL APPEAL" and shall be RECEIVED DURING OFFICE HOURS by the Department within 30-days of the Department action that is being challenged. The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, the deadline for requesting a formal appeal shall be within 30-days of the date of the Department's written decision in response to the informal appeal.

C.

FORMAL APPEALS OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.110, 77.55.200, 77.55.230, or 77.55.290:

A person who is aggrieved or adversely affected by the denial or issuance of a HPA, or the conditions or provisions made part of a HPA may request a formal appeal. The request for FORMAL APPEAL shall be in WRITING to the Hydraulic Appeals Board per WAC 259-04 at Environmental Hearings Office, 4224 Sixth Avenue SE, Building Two - Rowe Six, Lacey, Washington 98504; telephone 360/459-6327.

D.

FORMAL APPEALS OF DEPARTMENT ACTIONS TAKEN PURSUANT TO CHAPTER 393, LAWS OF 2003:

A person who is aggrieved or adversely affected by the denial or issuance of a HPA, or the conditions or provisions made part of a HPA may request a formal appeal. The FORMAL APPEAL shall be in accordance with the provisions of Chapter 393. The request for FORMAL APPEAL shall be in WRITING to the Environmental and Land Use Hearings Board.

E.

FAILURE TO APPEAL WITHIN THE REQUIRED TIME PERIODS RESULTS IN FORFEITURE OF ALL APPEAL RIGHTS. IF THERE IS NO TIMELY REQUEST FOR AN APPEAL, THE DEPARTMENT ACTION SHALL BE FINAL AND UNAPPEALABLE.

Arden, Hiram T NWS

From: Brady Engvall [broyster@techline.com]
Sent: Monday, January 12, 2004 1:24 PM
To: Kinney, Aimee T; Arden, Hiram T
Subject: Re: Hiram's email address

Aimee,
Here are my comments I sent to Hiram that came back as unable to deliver:

Re: Official Friends of Grays Harbor comment to placement of sand at South Jetty, Westport, Wa.

Dear Hiram,

The project is a very complicated matter. Even those who are following the process are at a loss to keep up let alone the citizen who would like to be part of the outcome. In this phase there are three separate permits to be commented on - all with different comment due dates. Add to that the holidays when government and private organizations are out of the office or on vacation it leaves scarce time to make informed comment on a project as important as this. Having said that we respectfully request a extension for comment until January 23, 2004.

FOGH believes that placement of sand at two out of the three locations is appropriate. The two that are important to the outcome this project (O&M funding authorization) are the ocean side fill of 2500 CY and the topside rainfall gully that would receive 2500 CY. The third fill site, near West Haven State Park. of 20,000 CY is inappropriate for the following reasons: The fill does not protect the navigation channel as required by O&M limitations; the erosion at that location is not an emergency; the fill emboldens development in the near shoreland vicinity and it's placement adds to cumulative impact already visited on the Half Moon Bay (HMB) beach environment by previous erosion interventions.

It is FOGH's contention that a better use of tax payers funds would be to use the money now appropriated for the 20,000CY fill be applied to a long term study that would develop a menu of options that in time would solve this problem that first occurred in 1948. In the recent ten year period nine crafted fixes have been tried without any apparent reduction of the erosion problem at HMB. A NEPA document with peer review would, in the end, better serve the public interest at this location.

In conclusion - it is the board's conviction that development of a comprehensive, peer reviewed NEPA for HMB is needed to better serve the public interest in addressing erosion issues at Westport. Thank you for the opportunity to comment on this very important issue.

Brady Engvall President of: Friends of Grays Harbor

----- Original Message -----

From: Aimee.T.Kinney@nws02.usace.army.mil
To: broyster@techline.com ; Hiram.T.Ardens@NWS02.usace.army.mil
Sent: Monday, January 12, 2004 1:05 PM
Subject: Hiram's email address

Hello Brady,

You should be able to send Hiram your comments by hitting "reply to all." Aimee

Aimee Kinney
Environmental Resources Section
Seattle District Corps of Engineers

1/12/2004

Letter 2

206-764-3634 voice

206-764-4470 fax

aimee.t.kinney@usace.army.mil

www.nws.usace.army.mil/ers/index.html



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101

Red 22 JAN 09, 2A

Reply to
Attn of: ECO-083

JAN 14 2004

Colonel Debra M. Lewis
District Engineer
Seattle District, Corps of Engineers
P.O. Box 3755
Seattle, Washington 98124-3755

RE: Public Notice CENWS-OD-TS-NS-21R, U.S. Army Corps of Engineers,
Placement of Sand, South Jetty Breach Fill Maintenance, Westport, Washington

Dear Colonel Lewis,

Thank you for the opportunity to comment on the above referenced public notice and supporting draft Environmental Assessment (EA), that proposes placement of 25,000 cubic yards (cy) of sand in the original footprint of the breach fill, adjacent to the Grays Harbor south jetty. We are pleased sand will be used rather than the originally proposed gravel and cobble. The proposed sand placement is an interim measure designed to reduce the risk of another breach occurring at that site until a long-term management strategy can be formulated and implemented. The three proposed disposal locations include two smaller channels in the fill (2500 cy each) and a section of the southeast corner of the fill (20,000 cy). The premise of the current interim action is to forestall an inevitable breach until a "management strategy" is developed in the intervening several years.

A transparent and credible problem identification process, followed by planning and pursuit of a coordinated long-term management strategy is absolutely critical. U.S. EPA encourages the Seattle District Corps of Engineers (Corps) to take an immediate active leadership role in the development of a long-term management strategy. This should include a *coordination/communication* component that provides up-to-date information for all stakeholders. U.S. EPA continues to be concerned by the lack of coordination/communication from the Corps regarding conditions and actions on-the-ground in the vicinity of the breach fill, as well as information on the status of ongoing studies, the long-term strategy, and public notices.

It is also critical that technical work done in support of a long-term planning effort receive *peer review*. Peer review is necessary for coastal process and predictive modeling technical work that is to provide the underpinnings for a long-term solution. Eventual alternatives based on technical work that lacks appropriate coordination and review will lack credibility, and will ultimately undermine our mutual goal of achieving a clear and acceptable long-term strategy. U.S. EPA is willing to work with the Corps on a peer review strategy to

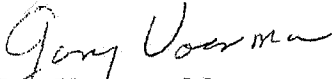
ensure adequate review of the technical work that will provide a foundation for long-term planning and decision-making.

With the above discussion in mind, U.S. EPA does not oppose the interim action subject to the following conditions:

1. As stated in the public notice, the Corps begin immediately to coordinate and develop a transparent and credible process for planning and then pursuing a long-term management strategy to address ongoing erosion management issues at this site. The process should include a communication/coordination component and review of the Corps' past commitments and work, including scoping and coordination of technical studies, e.g., modeling and environmental studies, that will support analysis of alternatives and their environmental effects. In addition, consistent with National Environmental Policy Act, the long-term planning effort/study must provide the process and information necessary for analysis of the cumulative and secondary effects of any alternatives.
2. As part of the long-term management strategy, the Corps coordinate with U.S. EPA and other agencies and stakeholders on development of a peer review strategy to ensure appropriate peer review of the technical work that will provide a foundation for long-term planning and decision-making.
3. A temporary ecology block wall exists in the project footprint but is neither mentioned in the public notice nor evaluated in the draft Environmental Assessment (EA). The Corps has made it clear to U.S. EPA and other agencies that the ecology block wall (including any filter fabric, etc.) will be removed during or prior to the placement of sand. The wall must be specifically mentioned in supporting documentation and must be removed during or prior to sand placement by the Corps.
4. It is our understanding that the SE corner placement of 20,000 cy of sand will occur in the footprint of the original breach fill project with the specific purpose of protecting the existing breach fill. We do not support the Corps placing sand for the purposes of protecting the walkway, road, or the portable restroom facilities. Discussions related to the predicted long-term equilibrium position of the Half Moon Bay shoreline, per the EA, along with potential management actions if any, could be conducted as part of the long-term management strategy.
5. The Corps should incorporate the attached comments into the draft EA, or respond to our comments. If you do not agree with our comments, or would like to provide clarification please provide a response. Failing revisions to the EA or lack of receipt of a response, U.S. EPA reserves the right to revisit our position on this project.

For further coordination and discussion of the specifics of this project or the long-term management strategy, please contact Justine Barton, at (206)553-4974 or Otto Moosburner, at (206)553-5198.

Sincerely,


Gary Voerman, Manager
Aquatic Resources Unit

Enclosure

cc. w/enclosures
WDNR (Peter Leon)
NOAA Fisheries (Karla Reece)
USFWS (Gwill Ging/Brian Missildine)
USGS (Guy Gelfenbaum)
State Parks (Bill Jolly)
WDFW (Bob Burkle)
Ecology (Helen Pressley, George Kaminsky)
City of Westport (Randy Lewis)
Surfriders Foundation (Ian Miller)
FOGH (Arthur Grunbaum)

Enclosure

Specific Comments on Draft Environmental Assessment
South Jetty Breach Fill Maintenance
December 2003

1. P. 3. Section 1.2 paragraph 1. last sentence. Please place the word "probably" before or after the word "would."
2. P. 6. Section 2.1 paragraph 2. Suggest separating this discussion into a section on the breach fill status and then a section on the Half Moon Bay south shore road and the park facilities (which are not the focus of this public notice). Change verbs from "will" to "could" or "would" where appropriate as this is predictive discussion. For example, "By the summer of 2005, the Park portable restroom facilities would require relocation, and within 3 years, the access road along the"
3. P. 8. Section 2.3 last paragraph. In several places the draft EA mentions interim placement of up to 15,000 cy of sand in subsequent years. This is not consistent with the present public notice.
4. P. 8 Section 3. Include a description of the Corps' proposed physical monitoring of the site, including standard bathymetry and aerial photography that will allow Corps and others to assess the status and success of the project in protecting the breach fill.
5. P. 12 Existing Environment. Section 4.1. Must mention ecology blocks and their removal prior to or during the proposed construction project.
6. P. 12 Existing Environment. Section 4.1 or 4.6. Should include more information on the status (e.g. lack of vegetation) of the stockpile.
7. P. 14 Section 4.6, paragraph 1. Please mention that the Parks Department has replaced the restroom facilities with portable units specifically to provide future flexibility in this erosive area.
8. P. 15 Section 5.1. Include description of the stockpile area post-material removal...e.g.. 3 feet lower and how this might or might not affect recreation, etc. Also include that ecology blocks and any associated geo-fabric would be removed from the upper intertidal area.
9. P. 17 Section 5.3, paragraph 4. Edit so that it's clear that the last two sentences are the result of a personal communication with Bob Burkle (WDFW).
10. P. 18, Section 6, first sentence. The sentence defining "indirect effects" is awkward and could be clarified. In this discussion it should be clear that any projects mentioned are only proposed. Therefore, insert "potential" development in paragraph 4 for example.
11. Appendix B, Cumulative Effects. Primary Impacts Associated Human Occupation... section.

This discussion focuses on structural erosion controls being necessary and excludes other options for managing human occupation. Please see the attached Washington Coastal Erosion Task Force Report Executive Summary (3/31/99) and insert other appropriate potential actions. Many other actions are possible and necessary for managing human occupation of erosive coastal areas. For example, local land use planning could include inventories and plans to move or keep municipal infrastructure away from erosion zones, and discourage development in coastal erosion hazard areas. Mechanisms could be developed or reinforced to warn property interests of the danger of building or buying in hazardous erosion areas, etc.

WASHINGTON COASTAL EROSION TASK FORCE REPORT

EXECUTIVE SUMMARY

In 1998, Governor Gary Locke directed the Department of Community, Trade and Economic Development to create a Coastal Erosion Task Force. The Task Force's goal was to develop short and long-range policy recommendations on coastal processes. **This document should not be used as a regulatory document.**

The following recommendations resulted from the Task Force and steering committee meetings:

1. Coastal erosion solutions and policies should not come at the expense of the state's natural resources and critical habitat; e.g., solutions should minimize interference with fishing areas and/or keep solution impacts to a minimum.
2. Dredged material should be managed as a resource and reused beneficially within the Columbia littoral cell. For example, dredged sand should remain within the active littoral zone.
3. The Southwest Washington Coastal Erosion Study should be completed. The federal, state, and local partners will establish roles and expectations among themselves.
4. Scientific studies of coastal processes along the southwest coast of Washington should examine the influence of the Columbia River system. These studies should also include an analysis of the effects and opportunity for mitigation of past interventions in coastal processes, particularly those related to navigation projects and engineering studies describing the effects of hard structures on high-energy shorelines.
5. Long-term scientific monitoring of the condition of Southwest Washington ocean beaches, and the impacts and performance of past and proposed interventions to the system, should be a priority.
6. There should be an independent technical review of all State-funded coastal studies and analyses that will form a part of the technical foundation for long-term coastal planning, policy development and/or proposed actions.
7. Assessment of coastal hazards, including predictions of future shoreline change rates, should be conducted.
8. Evaluation of socio-economic impacts of actions in the coastal zone should be conducted.

9. Policy and projects related to coastal erosion should be analyzed for their long-term costs and benefits.
10. In the long term, the state and local governments must develop a policy of land management that:
 - acknowledges the natural processes of the ocean, and the potential conflicts with private property owners located in the erosion hazard areas,
 - encourages and supports the work of local jurisdictions to protect life and property interests,
 - supports the efforts of governments and non-profit organizations to protect recreational opportunities and the natural qualities of the coast.
11. An inventory of local land use information should be undertaken to determine appropriate policies and actions. The inventory should include an accounting of public infrastructure, platted and unplatted properties, and built and un-built properties. Zoning overlays, as well as shoreline area designations and their applicable rules, regulations, and policies, should be included.
12. Federal, state, tribal and local jurisdictions could use the information gathered from the inventory to better understand how to protect the public's health, safety, and welfare, particularly as it pertains to erosion-hazard areas.
13. State and local governments should take steps to identify the extent of the dynamic zone and inventory existing natural and community resources within that zone.
14. As part of a comprehensive inventory, erosion hazard zones should be mapped using available shoreline data and current best science. Such hazard zones may incorporate both accretion and erosion areas, and could identify: imminent erosion hazards, intermediate erosion hazards, and long-term erosion hazards.
15. Federal, state, local and tribal jurisdictions should work together to define coastal erosion hazard areas and regulate and discourage development in high hazard coastal erosion areas. The State should work with local jurisdictions to ensure that mapping projects are based on sound science and consistency of policy.
16. The State should continue to provide technical and financial assistance to local jurisdictions, and tribal governments where applicable, to review and revise comprehensive plans, flood hazard management plans, and development regulations to discourage development in coastal erosion hazard areas.

17. Local jurisdictions should develop new mechanisms or re-enforce existing mechanisms to warn those with property interests of the danger of building or buying in hazardous erosion areas.
18. Federal, state, local and tribal jurisdictions should recognize that effective coastal protection may have some economic consequences for coastal communities, and should take steps to ameliorate these impacts through measures such as shared risk, buyout assistance, and others.
19. Local jurisdictions should develop long-term strategies to assess the location of critical, at-risk public infrastructure such as highways, water and sewer facilities, schools, etc. and private investments in light of coastal zone hazards. These might include threats from chronic hazards like long-term erosion.
20. Southwest Washington coastal communities should continue the development and analysis of alternative strategies to address current and long-term coastal erosion and accretion issues. Financial assistance from a variety of funding sources, including state funding should be sought.
21. Federal, state, local and tribal jurisdictions should adopt the following guidance to address coastal processes (given the unique nature of tribal reservation land, not all criteria may apply to tribes):
 - A. New development in erosion hazard areas and recently accreted areas should be discouraged, based on assessment of risk.
 - B. Landowners should be expected to assume all risk if they knowingly buy and develop property (plat or place structures) in such an area.
 - C. New structural solutions to erosion problems should be discouraged when there is a potentially adverse impact to the natural conditions of the beach, habitat, public access, other recreational resources, long-term maintenance costs, and impact to adjacent properties. The spirit and intent of state laws discourage armoring--such as sea walls, wave bumpers, rock revetments, and other types of hard structures--in favor of other alternatives that are more likely to preserve a dune/beach environment.
 - D. Structural solutions should only be considered in situations where it has been determined that erosion is threatening critical public facilities such as bridges, major highways, sewage treatment plants, utility lines, and municipal water supplies.
 - E. The selection and implementation of any alternative should be based upon an analysis of effectiveness, impacts, risk, and cost compared to other alternatives within a long-term plan.

F. Maintenance and modification of existing navigation structures should be subject to the criteria for successful solutions outlined in Section V.

22. Public education, participation, and outreach are important to a wide perspective on the issues. While this is a primary responsibility of local, state, and tribal governments, there is an awareness of the need for the general public and non-governmental organizations to participate in community education issues and recognition of the role of non-governmental organizations in accomplishing this task.

Arden, Hiram T NWS

From: Ian Miller [imiller@surfrider.org]
Sent: Wednesday, January 14, 2004 9:11 AM
To: Arden, Hiram T
Subject: comments on sand proposal/westport

Mr. Arden:

I am sending our comment letter to this address as well, as the one that I sent our previous letter to may not be working.

Ian Miller
Washington Field Coordinator
Surfrider Foundation
533 W. 10th St.
Port Angeles, WA 98362
imiller@surfrider.org
360 808 1103

1/14/2004

Letter 4

Surfrider Foundation
533 W. 10th Street
Port Angeles, Washington 98362
12 January 2004



Hiram Arden
Project Manager
Navigation Section
PO Box 3755
Seattle, Washington 98124

RE: Public Notice Reference # CENWS-OD-TS-NS-21R, AU.S. Army Corps of Engineers, Placement of Sand, South Jetty Breach Fill Maintenance, Westport, Washington@

Mr. Arden:

The Surfrider Foundation is a grass-roots environmental organization dedicated to the preservation of the world's waves, oceans and coastline through conservation, activism, research and education. The following comments are submitted on behalf of the Northwest Regional Office of the Surfrider Foundation.

We thank your office for accepting public comment on the proposal to place 25,000 yards of sand at the west end of Half Moon Bay. First, thank you for amending your original Transitional Cobble proposal. We were delighted that the current proposal uses sand to nourish and protect the South Jetty Breach area. We feel that the use of sand is the best possible marriage between short term South Jetty breach protection and maintaining Half Moon Bay's significant recreational and ecological values. We applaud the Army Corps of Engineers for taking this bold step in considering the use of a "soft-solution" to a persistent coastal management issue.

Our concern with this project is that it is, by our count, the ninth major project in Half Moon Bay since the original breach fill project in 1994. At no point have the impacts of these various interim and "emergency" projects been considered cumulatively. Taken individually, each project has been associated with an Environmental Assessment. When the projects are considered cumulatively, however, we feel that their level of impact warrants a full Environmental Impact Statement. In keeping with the letter and spirit of the National Environmental Protection Act it is our view that this and any future projects should be reviewed with a full Environmental Impact Statement.

Finally, we would like to re-emphasize our commitment to finding a long-term solution that will not compromise the ecological and increasingly important recreational benefits of a sand beach in Half Moon Bay. We respectfully request that your office make an immediate and pro-active effort to coordinate the various interest groups in a community-

driven long-term strategy development process. The Surfrider Foundation will offer its experience and expertise to that process, and we look forward to the opportunity. Only a fully-inclusive, locally-based process will produce a "solution" that will meet the needs of the beach at Half Moon Bay and Westport's diverse interests.

Thank you.

Sincerely,

Ian Miller
Washington Field Coordinator
Surfrider Foundation

Arden, Hiram T NWS

: . Holmfarm@aol.com

Sent: Wednesday, January 14, 2004 9:39 AM

To: Arden, Hiram T

Subject: Attn: Hiram Arden OD-TS-NS, CENWS-OD-TS-NS

January 14, 2004

Hiram T. Arden, Project Manager (OD-TS-NS)

Navigation Section

P.O. Box 3755

Seattle, WA 998124-3755

RE: CENWS-OD-TS-NS

Dear Sir:

We are writing to comment on the proposal of the U.S. Army Corps of Engineers to place approximately 25,000 cubic yard of sand at the South Jetty breach fill and along the shoreline adjacent to the south jetty.

The Chehalis River Council is non-profit organization made up of citizens who are concerned with natural resource issues in the Chehalis River Basin. Our group is grass-roots and staffed by volunteers, and we are committed to doing what we can to help protect the natural environment in the watershed, and in and around Grays Harbor.

We are concerned that millions of dollars of taxpayers' money have gone into protecting a tiny area of coastline that cannot effectively be protected from the impacts of weather, tides and shifting patterns of sand dispersion. The Corps' own environmental assessment points out that erosion will continue to occur in this area and sand will have to be replenished year after year.

We agree with the comments provided by Friends of Grays Harbor, Wildlife Forever, and others that a comprehensive, long-term plan for this area needs to be developed and reviewed through the NEPA environmental impact statement process. This EIS should be independent and peer reviewed. Until this review is complete, ad hoc "fixes" that will necessarily have unforeseen consequences and that delay grappling with long-term issues should be halted. A significant part of that review should be a cost/benefit analysis. The cost of failed efforts since the 1993 breach should be included in the calculation. King Canute learned that he could not order the tide to retreat, and we should have learned by now that constant change is a fact of life, especially on the coast.

The CRC believes that the mandate of the Corps of Engineers is limited to protecting navigation in the Westport harbor and specifically in this case protecting the South Jetty. We are not opposed to placing 5,000 cubic yards of clean fill on the upland area of the breach as an interim measure. We are, however, concerned about sand destined for the Half Moon Bay shoreline.

It is interesting that the Corps makes the following comment in the draft Environmental Assessment: "The placement actions proposed in this document will only forestall shoreline retreat—not prevent further retreat—so these placements of sand cannot be considered an erosion control action. At this time, the

1/14/2004

Letter 5

Corps is not committing to continue to place sand as needed to protect the park access road. The focus of this effort is maintaining the breach fill, and future efforts to protect the breach fill may focus more on other vulnerable areas (e.g., the ocean side). This action will not protect the road, so growth-inducing effects are unlikely and thus the indirect effects are insignificant." (Page 19.) Nevertheless, the Assessment also states that, "... any project to stabilize the shoreline with a view towards protecting the road would also offer some level of protection for any development relying on the road for access." (Page 18.)

The Corps should adhere strictly to its stated position and be sure that interim actions are not taken with the intention of directly or indirectly facilitating development of the Links golf course and condominium project. Development in the dunes area is the one factor humans are able to change, in the face of the continuing forces of nature.

The Environmental Assessment Appendix B, Cumulative Effects, paints a bleak picture of the future of the coastline: "Human occupation of the coastal strand and dune ecosystem will continue to require shoreline protection measures. Given the apparent long-term erosion trend, these activities will continue to increase. Additional occupation of the coastal zone will also necessitate additional erosion protection features, such as shoreline armoring or hardening, bulkheads, dikes, seawalls, and/or beach nourishment." (None of these efforts have proven to work in other parts of the country.)

But there's an alternative picture. Humans can decide to pull back from the near shore areas and allow the sea to do its work. Such a course of action would be much less expensive and more protective of wildlife habitat and of the fragile interdunal wetlands. Given the projected rise in sea levels due to global warming, it will prove the most prudent and wisest course of action. The Corps should encourage this picture, which will leave it free to concentrate on limited engineering projects that have some hope of effectively protecting those shoreline features that need to be protected such as jetties and navigation channels.

Thank you for the opportunity to comment on this interim action.

Sincerely,

Margaret Rader
Chair, Board of Trustees
Chehalis River Council
417 No. Pearl Street
Centralia, WA 98531

Arden, Hiram T NWS

From: Knoll Lowney [knoll@igc.org]
Sent: Wednesday, January 14, 2004 12:36 PM
To: Hiram Arden
Cc: knoll
Subject: For the record of 2004 Breach Fill project.

Please consider this in your decision.

Knoll D. Lowney
Smith & Lowney PLLC, Attorneys at Law
2317 E. John St.
Seattle, WA 98112
(206) 860-2883; fax 860-4187
knoll@igc.org

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----- Original Message -----

From: OlearyCrk@aol.com
To: knoll@igc.apc.org
Sent: Wednesday, January 07, 2004 5:26 PM
Subject: Revetment 1.4mb

Here's some of the pictures of the building of the revetment 98-98 provided by the Corps

cfi DC, Marsh
ERS, Kinney

1/14/2004

Letter 6

1/14/2004 2:29 PM

Page 1

C:\Documents and Settings\g3odthta\Local Settings\Temporary Internet Files\OLK62\Revetment.zip

Name	Modified	Size	Ratio	Packed	Path
BeachNourishHMB99.tif	1/7/2004 5:08 PM	410,060	58%	172,154	Revetment\
ClayforHMBWetland.tif	1/7/2004 5:12 PM	1,185,688	50%	596,270	Revetment\
HMBSept99.tif	1/7/2004 5:09 PM	409,172	67%	134,377	Revetment\
QuarrySpall.tif	1/7/2004 5:02 PM	408,792	79%	85,496	Revetment\
RevetExtenOverview.tif	1/7/2004 1:08 PM	410,320	50%	204,379	Revetment\
RevetmentToe.tif	1/7/2004 4:59 PM	409,772	75%	101,690	Revetment\
RevtCompleted.tif	1/7/2004 4:57 PM	408,660	79%	85,386	Revetment\
SandDikeOverhead.tif	1/7/2004 5:05 PM	409,688	67%	133,266	Revetment\
8 file(s)		4,052,152	63%	1,513,018	

POINT CHEHALIS REVETMENT EXTENSION

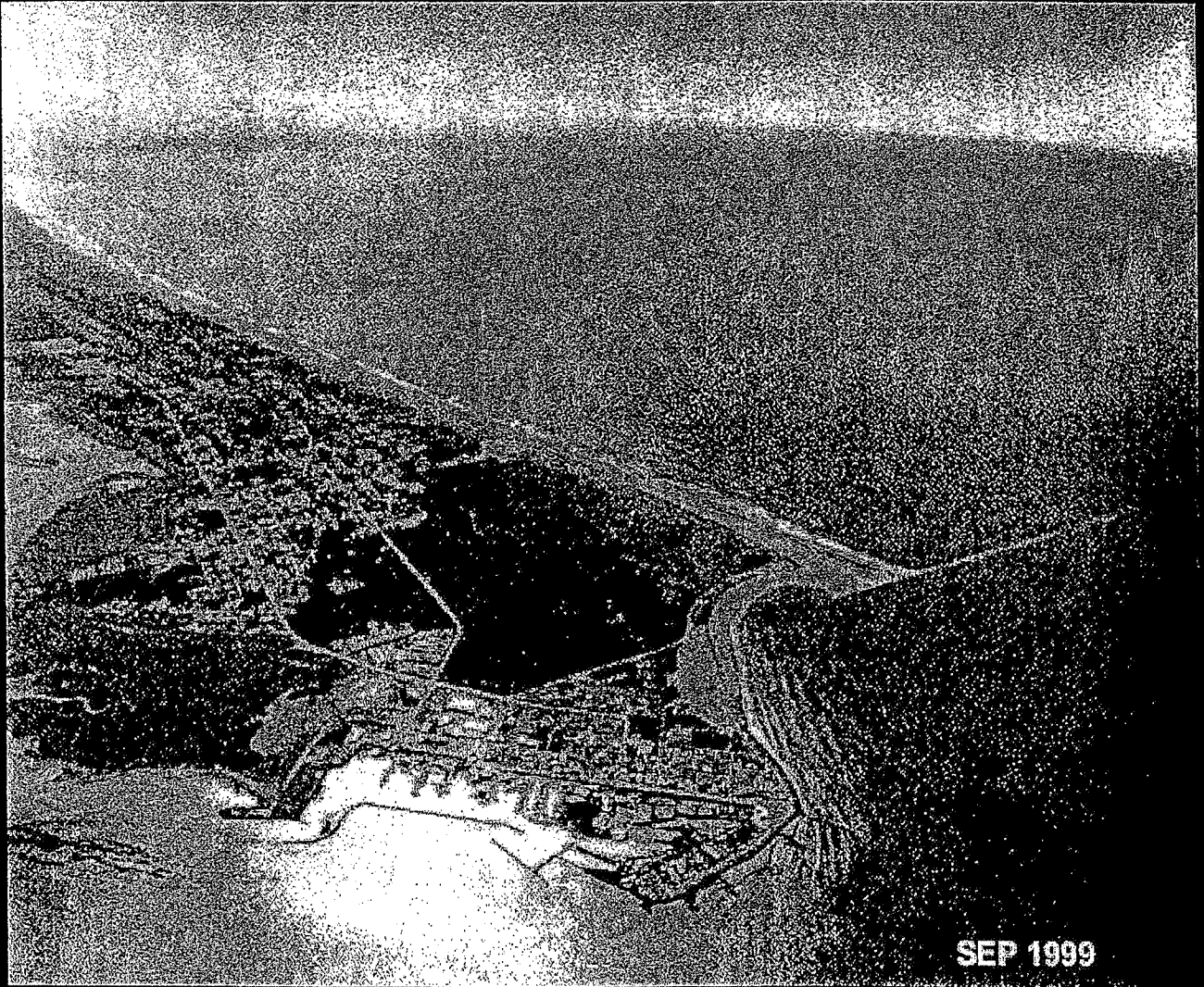
19 MAR 1999 - LOOKING NORTH

A LAYER OF CLAY WAS PLACED ALONG THE BACK OF THE
REVTMENT TO PREVENT DRAINAGE OF THE WETLAND





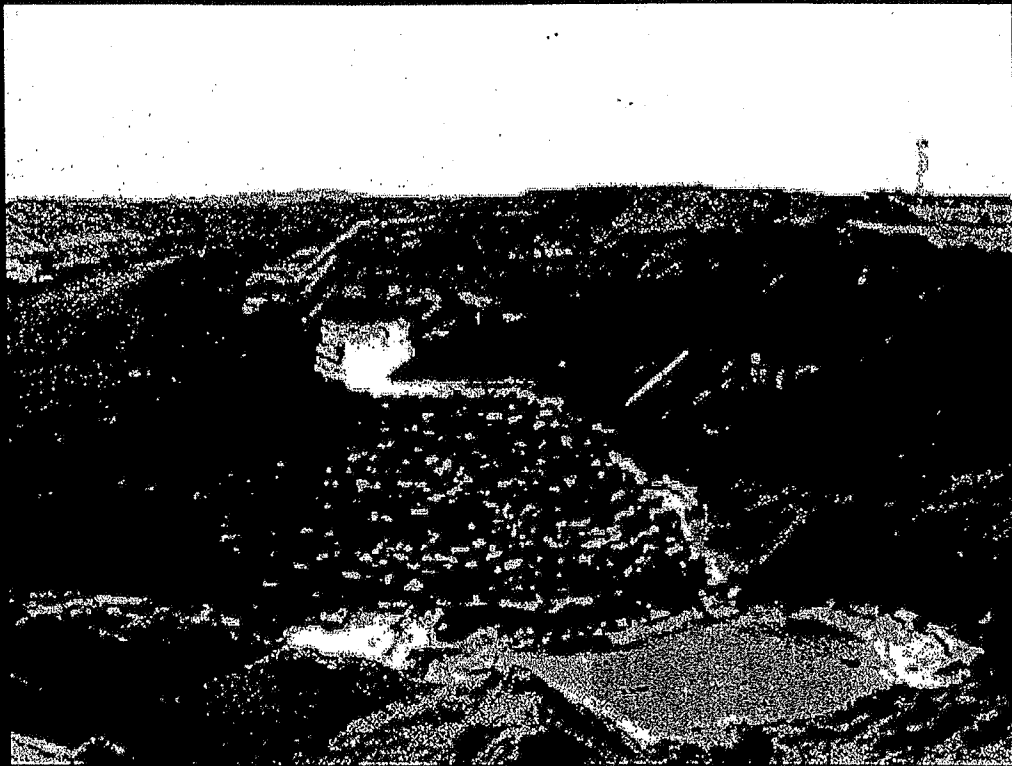
SEPTEMBER 1999 - HALF MOON
BAY BEACH NOURISHMENT



SEP 1999

POINT CHEHALIS REVETMENT EXTENSION

22 DEC 1998 - LOOKING SOUTH
QUARRY SPALL PLACEMENT



An aerial photograph showing a coastal area. A road or path runs diagonally from the bottom left towards the top right. To the left of the road is a dark, irregular shape representing a body of water. The land to the right of the road is textured and appears to be a mix of vegetation and possibly some structures. The overall image is in black and white with a grainy, high-contrast appearance.

POINT CHEHALIS REVETMENT EXTENSION
CONSTRUCTED NOV 1998 - MAR 1999

POINT CHEHALIS REVETMENT EXTENSION

25 MARCH 1999 - LOOKING NORTH

**AT THE COMPLETION OF CONSTRUCTION, THE NEWLY
PLACED REVETMENT TOE ROCK WAS COVERED BY SAND
TO AN ELEVATION OF APPROXIMATELY + 15' MLLW**

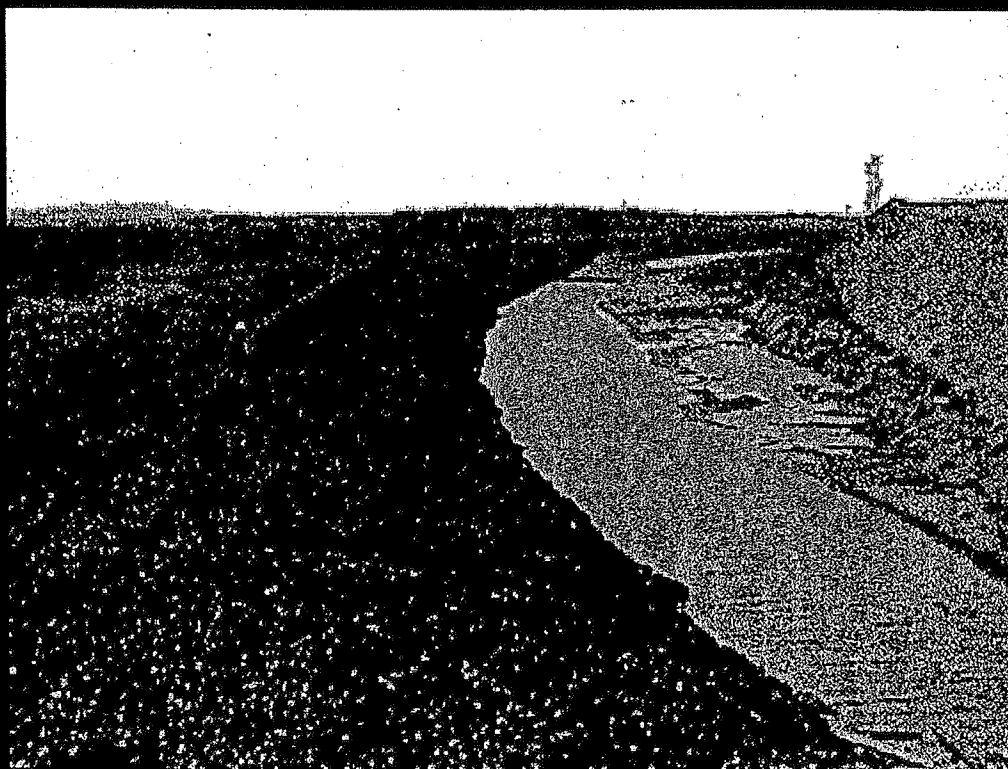


REKETMENT TOE

POINT CHEHALIS REVETMENT EXTENSION

REVETMENT COMPLETED MARCH, 1999

REVETMENT LENGTH: 1900' COST: \$2,389,000



POINT CHEHALIS REVETMENT EXTENSION

THE EXCAVATED SAND WAS USED TO CONSTRUCT A
CONTAINMENT DIKE TO ALLOW PLACEMENT OF ABOUT
200,000 CY OF DREDGED MATERIAL IN APRIL AND MAY 1999



Arden, Hiram T NWS

From: Knoll Lowney [knoll@lgc.org]
Sent: Wednesday, January 14, 2004 12:36 PM
To: Hiram Arden
Subject: Record on sand placement proposal

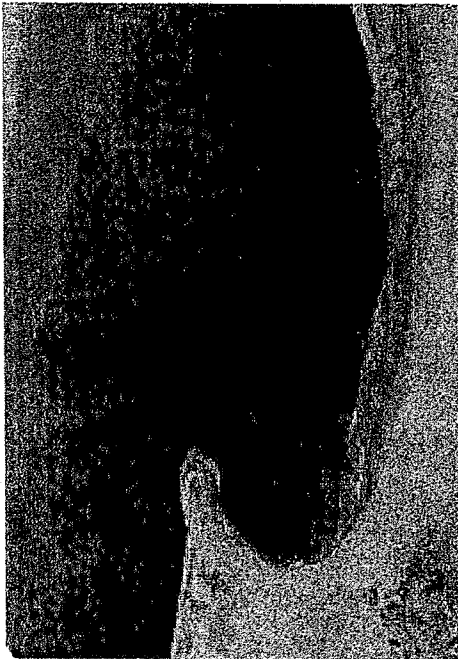
Please consider these documents in your decision

Knoll D. Lowney
Smith & Lowney PLLC, Attorneys at Law
2317 E. John St.
Seattle, WA 98112
(206) 860-2883; fax 860-4187
knoll@lgc.org

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1/14/2004

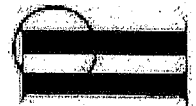
Letter 7



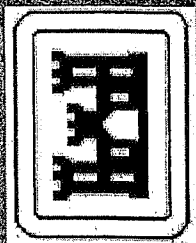
II

Diffraction Mound Gravel Transition

Half Moon Bay,
Westport, Grays
Harbor, WA,



PACIFIC
INTERNATIONAL
ENGINEERING, PLLC



- Aerial photo derived shoreline change

- Beach profile analysis

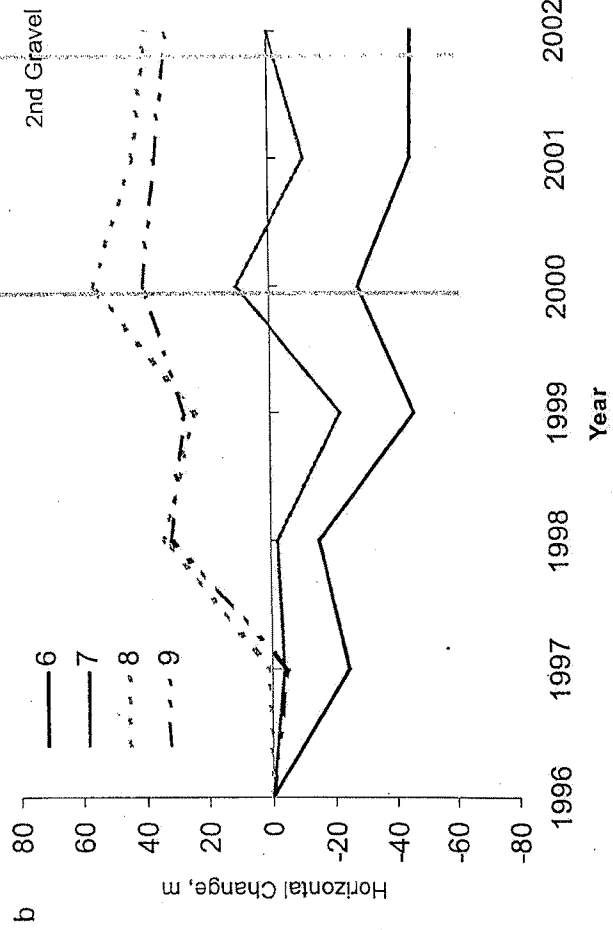
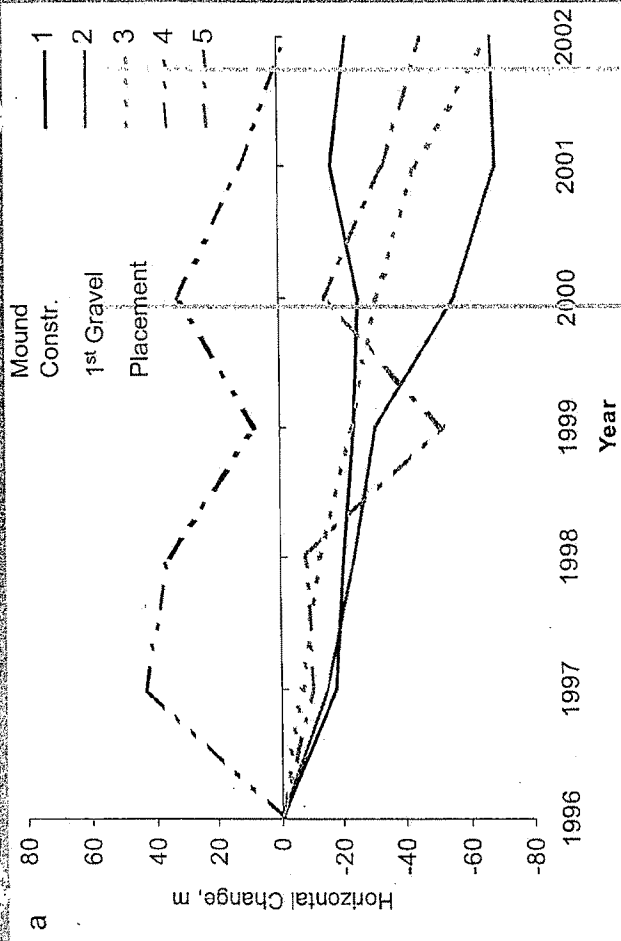
- Aerial photo derived scarp position

- Recommendations for short term solution



Shoreline Position Change at Transects HMB 1-9 relative to 1996

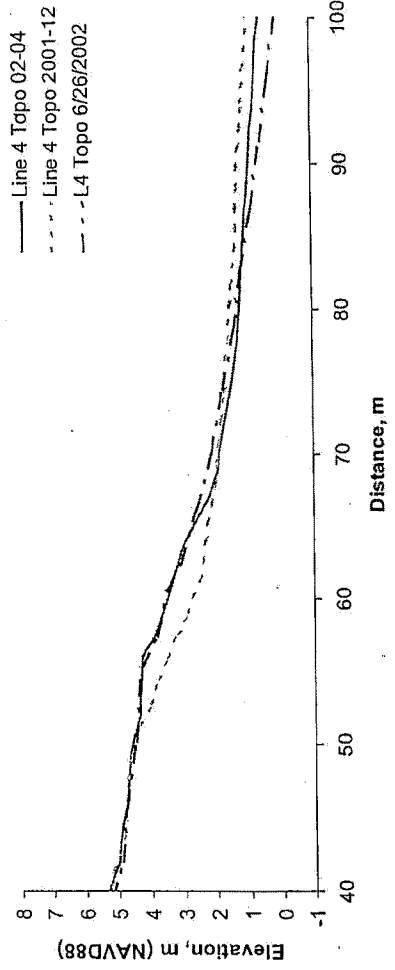
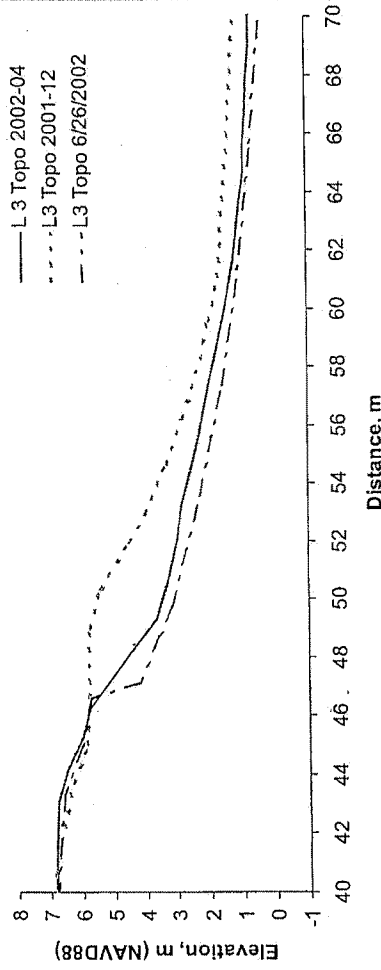
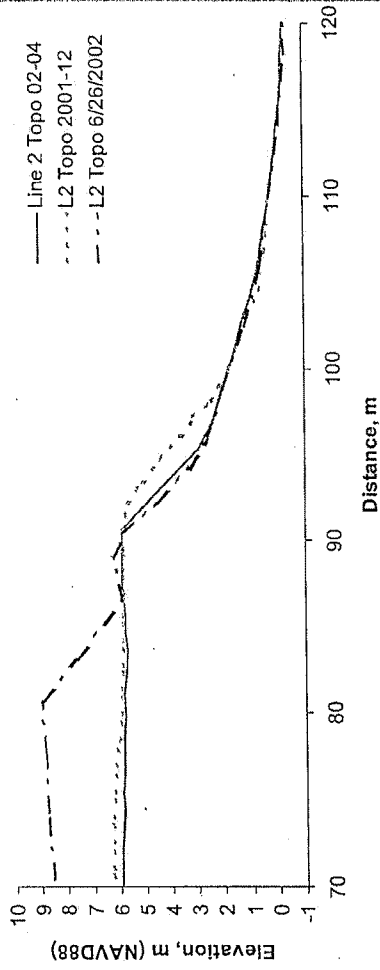
- Shoreline change analysis indicates the shoreline has been stable since mound construction and placement of 300 ft gravel/cobble berm, in that area where gravel placed (e.g. Transects 1 and 2)
- Erosion continued at Transects 3, 4, and 5 and to a lesser extent at Transect 6



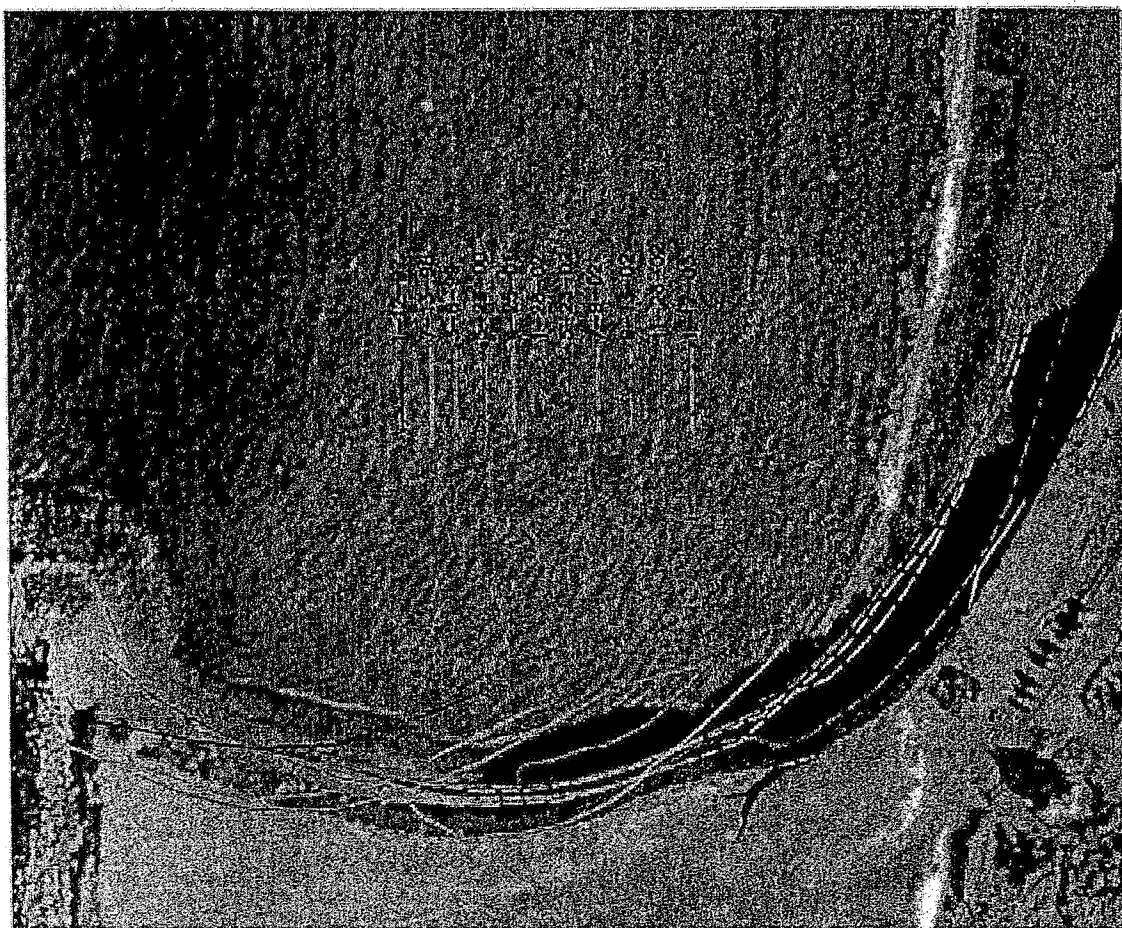
Beach Profiles

Transects 2, 3, 4
Dec 2001
April 2002
June 2002

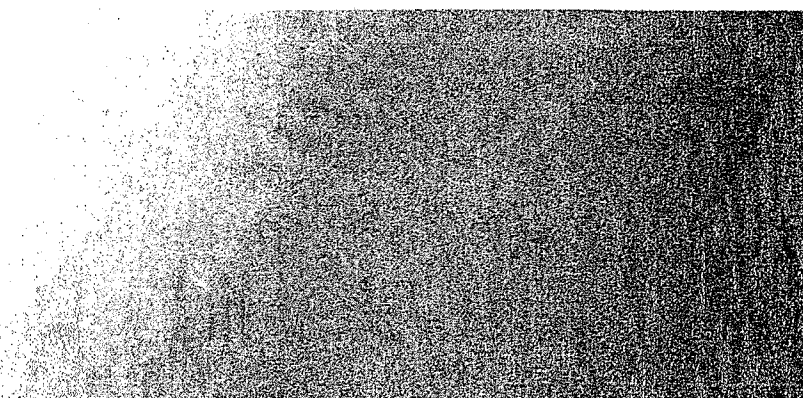
- Between Dec 01 and July 02 placement, beach profiles:
 - Eroded slightly at Transect 2 (gravel), significantly at Transect 3 (end of gravel transition)
 - Accreted at Transect 4
 - Gravel redistributed between transects 3 and 4
- Suggests transport to the south and then east along shore*



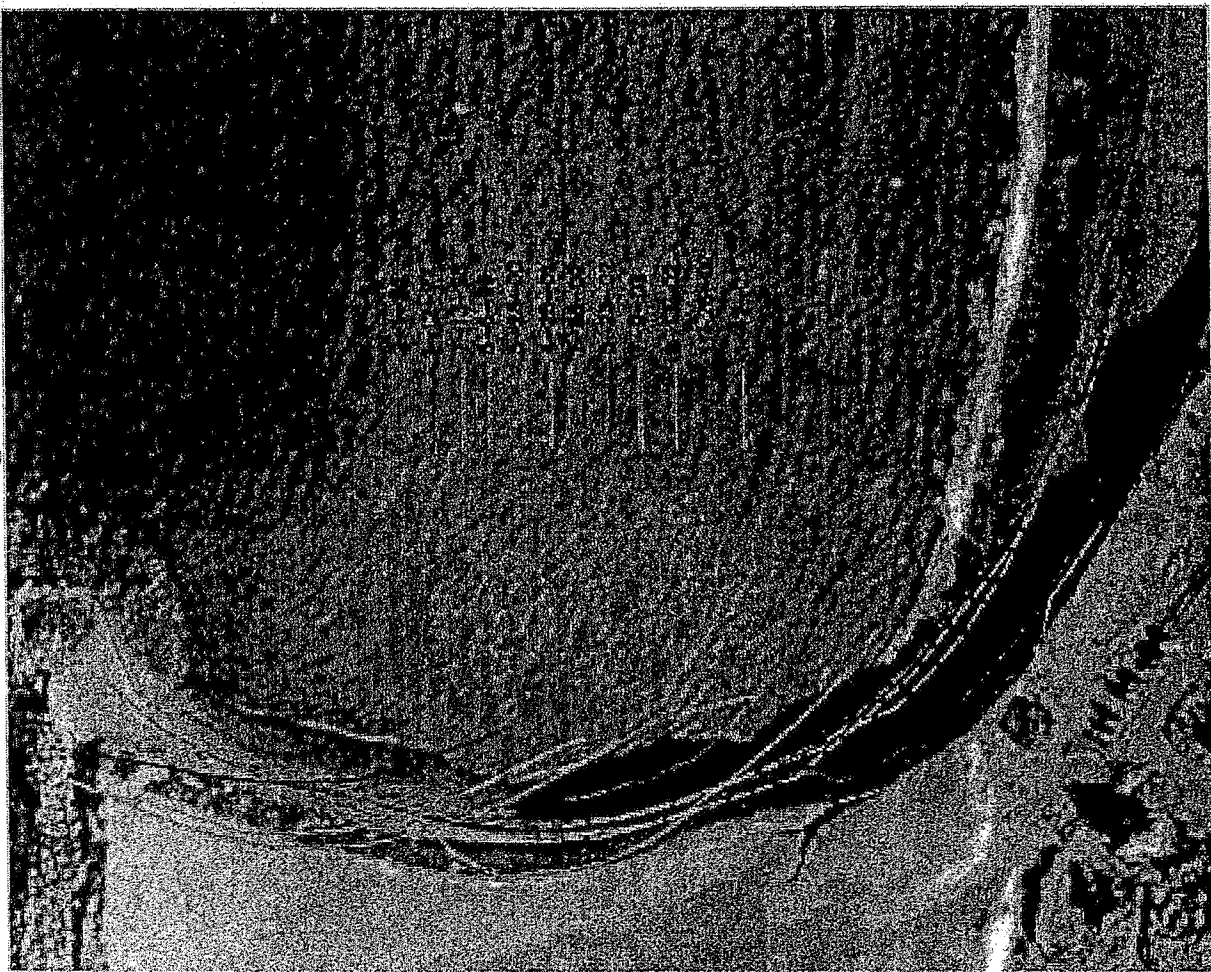
11



Half Moon Bay
Observed Scarp Position

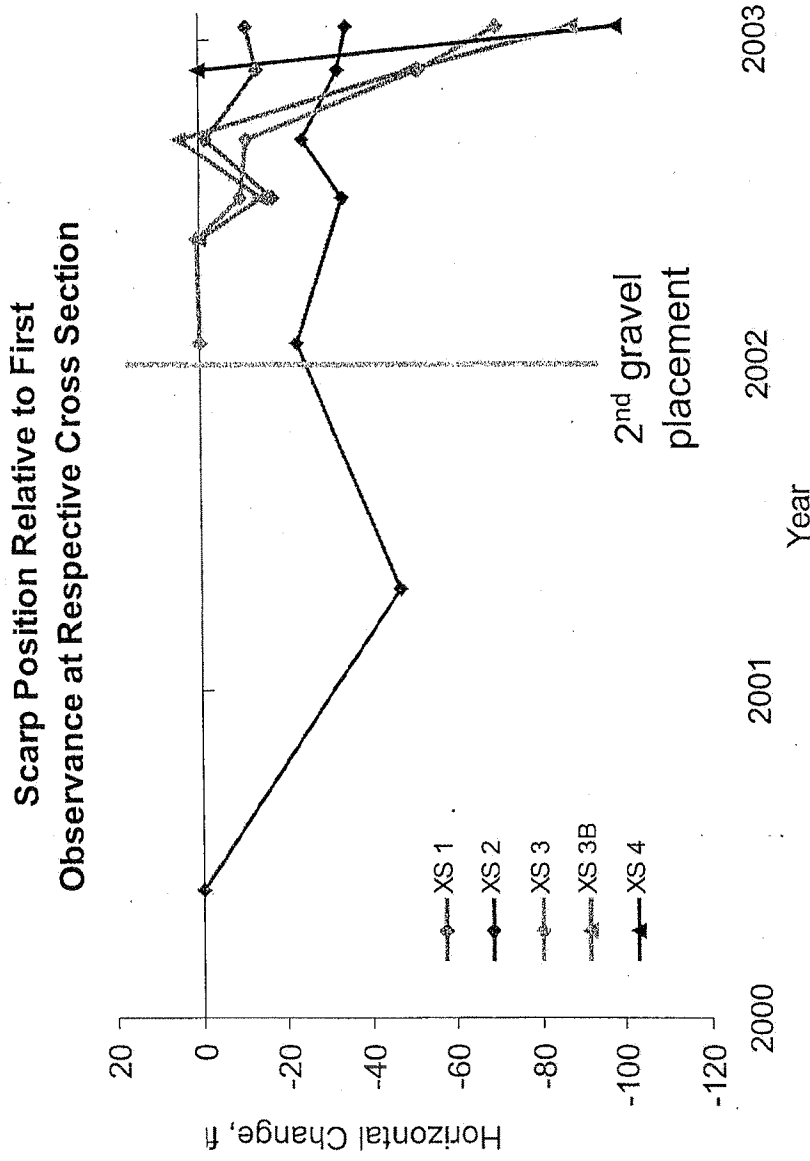


Half Moon Bay
Observed Scarp Position
(Base Aerial: 1-17-03)



Scarp Erosion

- Scarp positions were derived from air photos for 2001 to 2003
- Scarp has been stable at Transects 1 and 2 since 2nd placement of gravel
- Scarp has receded between 60 to 100 ft between Transects 3 and 4 off the end of gravel placement

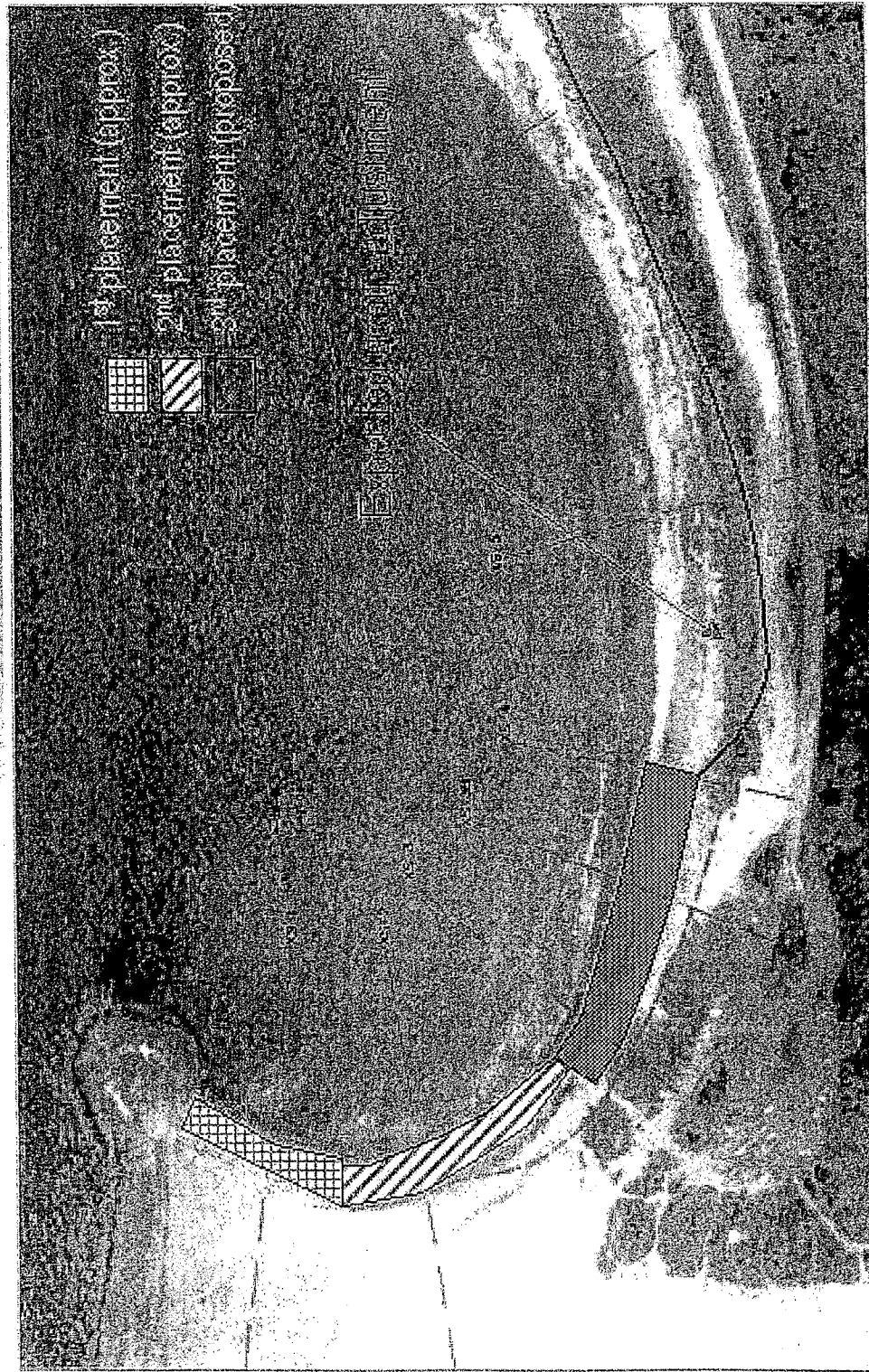




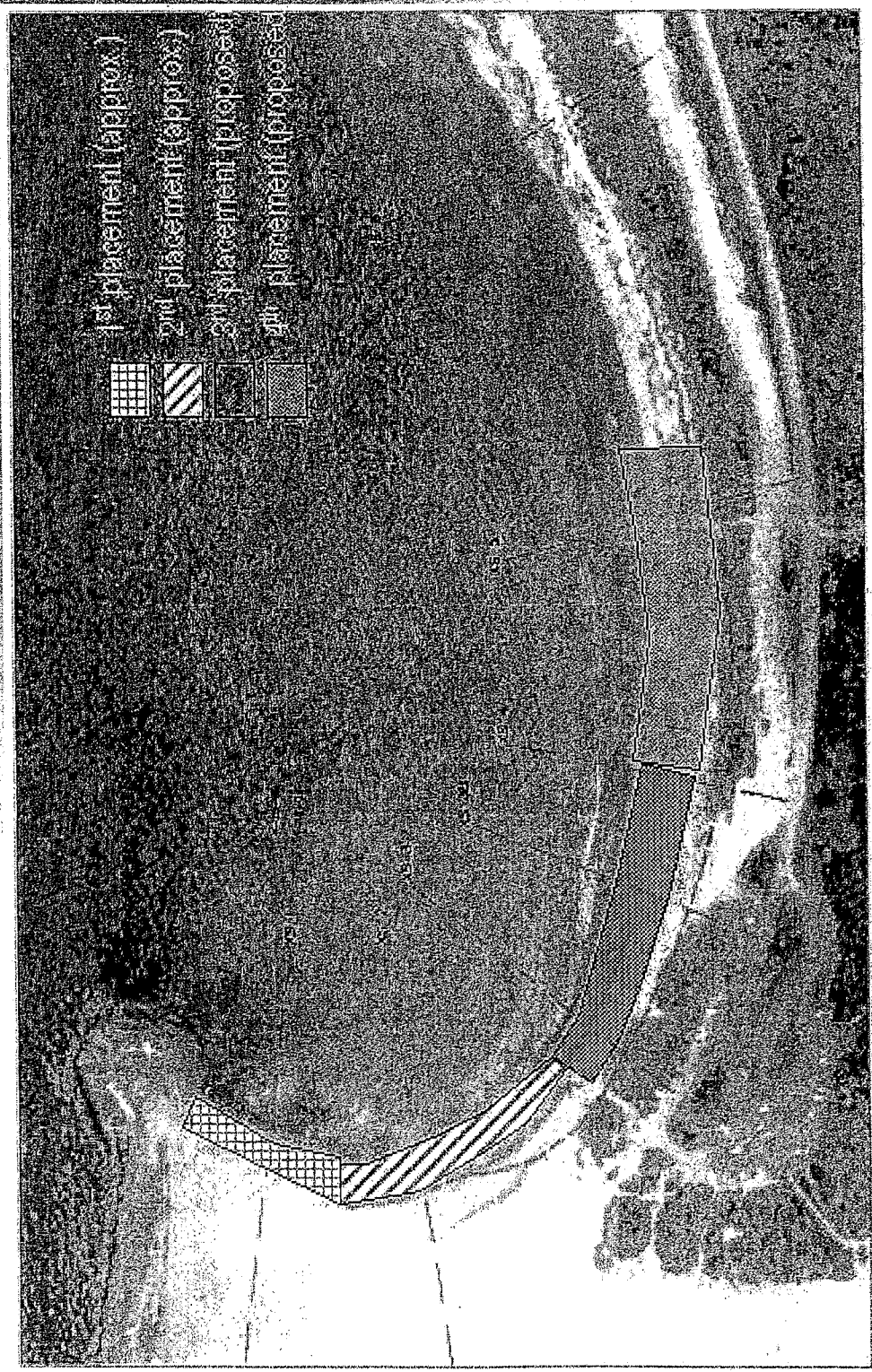
Half Moon Bay
Observed Scarp Position
(Base Aerial : 5-23-05)



Half Moon Bay
Observed Scarp Position
(Base Aerial : 5-23-2002)



Half Moon Bay
Observed Scarp Position
(Base Aerial: 5-23-2002)



Half Moon Bay
Observed Scarp Position
(Base Aerial : 5-23-2002)

Summary

(see also Summary document)

- Shoreline has adjusted to mound and gravel placements in the area between mound and Transect 3.
- Based on shoreline change trends, required length for gravel placement is not likely to extend beyond Transect 5 to 6 (1500 ft) from mound
- If placement needed to Transect 5, approximately 41000 tons would be required.
- Volume of material required could be reduced if the size of material is increased
- Recommended that a minimum size of 3 inch be considered for the gravel/cobble wet gradation
- Adaptive management approach: extend gravel half of this distance (e.g. 350 ft) from its present end point to approximately transect 4.



Figure 17. Gravel embankment at Transect HMB3, 14 January 2002

SOUTH JETTY BREACH FILL

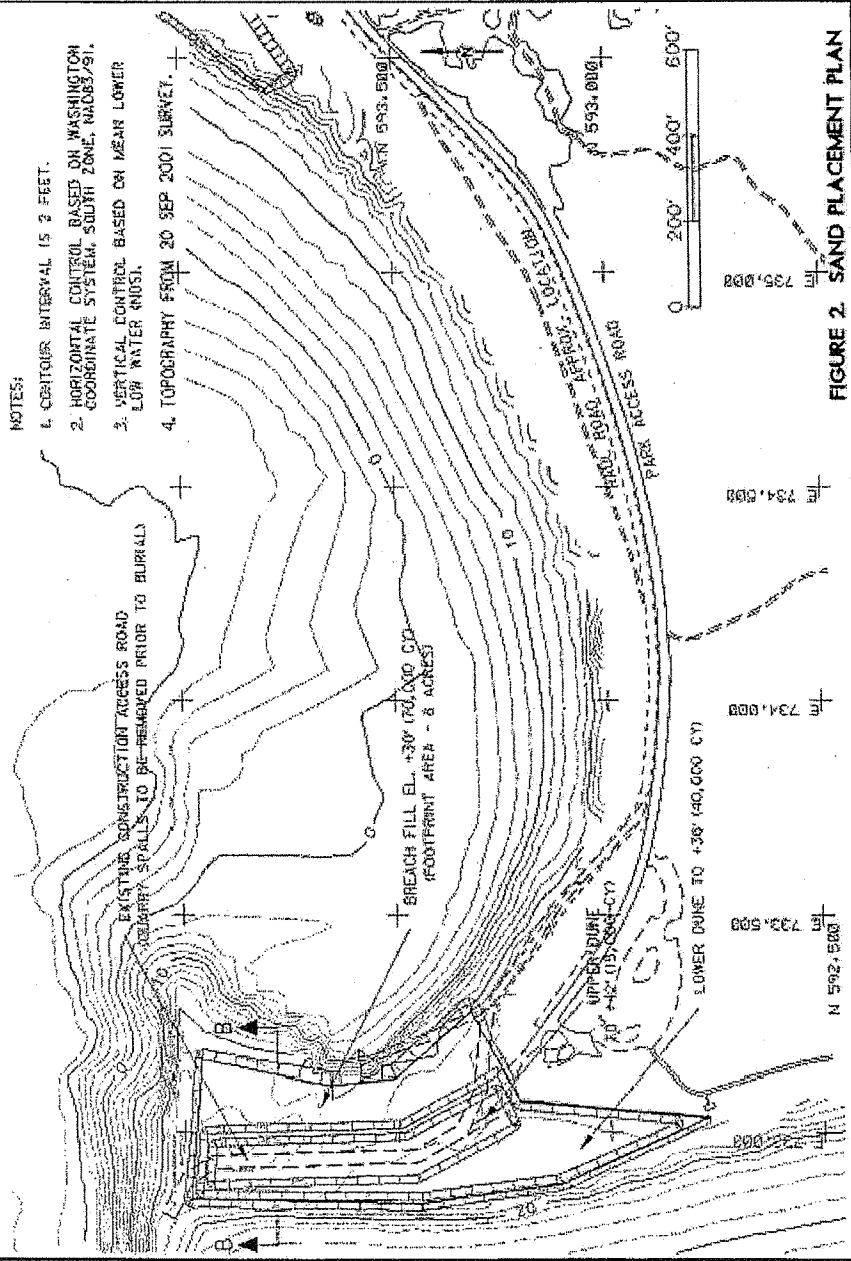


FIGURE 2. SAND PLACEMENT PLAN

[Handwritten signature]

Arden, Hiram T NWS

From: OlearyCrk@aol.com
 Sent: Wednesday, January 14, 2004 2:23 PM
 To: Arden, Hiram T
 Cc: Kinney, Aimee T
 Subject: Figure 2 Public Notice CENWS-OD-TS-NS-21R

Mr. Arden,

I want to particularly express my concern over the proposal to excavate 25,000 cubic yards of sand material from the "existing sand stockpile." This would be a repeat of the excavation made in 2002 in which the Corps placed approximately the same volume in same location. The promise in the previous notice was as follows:

The purpose of this Public Notice is to solicit comments from interested persons, groups and agencies on proposed Corps of Engineers, Seattle District (Corps) placement of sandy dredged materials at the South Jetty breach fill. The work consists of mechanically rehandling approximately 125,000 cubic yards of sandy dredged material from the Corps' existing Half Moon Bay direct beach nourishment disposal site (upland stockpile) to the eroding breach fill area directly south of the Grays Harbor south jetty. The proposed work would occur in April and May 2002. The excavated upland stockpile area will then be refilled by hopper dredge pump off of material dredged from the Grays Harbor and Chehalis River (South Reach) navigation channel during routine maintenance in June 2002. (Public Notice CENWS-OD-TS-NS February 28, 2002).

As can be seen by the attached photo, this replacement was not adequately achieved. The result was that section of the mitigation beach was not available for recreational purposes to the general public. The attached photo (taken by me from the observation walk at the Coast Guard tower) indicates wet weather completely inundates a significant area and creates a lake.

My observations from a January 10, 2004 visit (see attached photo taken from the ground on that day) to the same area confirmed that this same spot was still a lake with several seagulls the only users. The public has to traverse a narrow path at the top of the dune in order to avoid walking in the water, otherwise they have to walk at the back of the stockpile area away from and out of sight of the beach.

These impacts have not been or are not now being adequately addressed.

In addition, I am very concerned about the proposed placement of the 20,000 cubic yards of sand adjacent to the restrooms and parking lot at Westhaven State Park. Attached you will find a couple of photos that I took of the Clean Water Paddle sponsored by Surfrider Foundation, of which I am a member.

The recent illegal "emergency fix" by the City of Westport which placed cement blocks and dredged sand on this beach area has created a dangerous precipice drop to the beach. This effectively excludes access to the general public. I am concerned that the proposed addition of the sand will further exacerbate the limiting of public access.

I very strongly believe that the Corps and regulatory agencies should NOT allow any further experimental fixes to these important shorelines of statewide and international significance without a complete, detailed, independent and peer-reviewed NEPA EIS.

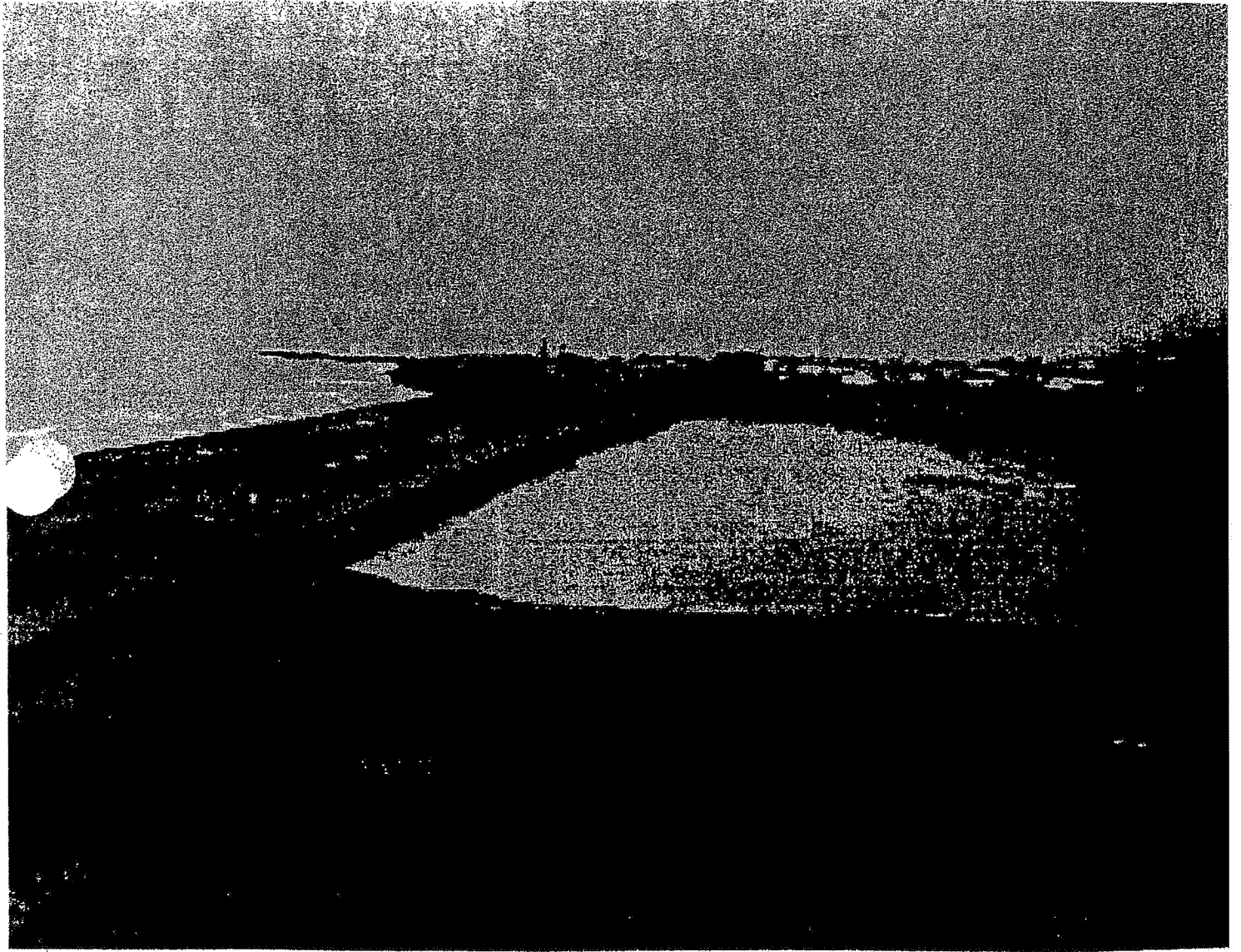
Thank you for this opportunity to express my personal concerns and the concerns I have for the public.
 Sincerely,

Arthur (R.D.) Grunbaum

cf: OC marsh

1/14/2004

Letter 8









Reid 1/14/04 A

1/13/04

NAVIGATION SECTION

POB 3755

SEATTLE WA 98124-3755

ATTN: HIRAM ARDEN (OD-TS-NS)

REF: CENWS-OD-TS-NS-21R

A FULL ENVIRONMENTAL IMPACT STATEMENT SHOULD BE REQUIRED OF THE CORPS ON THIS PROJECT. WE FEEL THE CORPS WOULD REQUIRE A CITY, COUNTY, OR PRIVATE DEVELOPER TO DO AN EIS ON A PROJECT OF THIS MAGNITUDE. AS A GOVERNMENT AGENCY THE CORPS SHOULD BE LEADING BY EXAMPLE.

IT APPEARS THAT MILLIONS OF TAXPAYERS' DOLLARS HAVE BEEN SPENT OVER THE YEARS ON INTERIM FIXES ON THIS PROJECT WITH MANY MORE TO BE SPENT IN THE FUTURE WITHOUT ANYONE EVER LOOKING AT THE LONG TERM EFFECTS ARMORING WOULD HAVE ON THE SHORELINE. WHAT OF EROSION PROBLEMS TO OTHER AREAS OF THE BEACH? WHAT HARM IS BEING DONE TO THE ENVIRONMENT? SUCH AS ADJACENT WETLANDS BEING DRAINED, EFFECTS ON MARINE LIFE, CRAB, AND OTHER SEALIFE POPULATIONS ALSO EFFECTS ON

CC: ERS

Letter 9

ATTN: HIRAM ARDEN

P. 2

REF: CENWS-OD-TS-NS-21R

RECREATION. ALL THE SAND THAT HAS BEEN PLACED ON THE SHORELINE BY THE STATE PARK HAS MADE THE BEACH INACCESSIBLE BECAUSE OF A HUGE CLIFF PREVENTING SURFERS, THE ELDERLY, DISABLED, CLAMMERS AND OTHERS FROM GETTING TO THE BEACH FOR RECREATION.

THIS PROJECT HAS BEEN GOING ON LONG ENOUGH WITH MILLIONS OF TAX DOLLARS AND WITH INTERIM AND EMERGENCY FIXES WITHOUT ADEQUATE ENVIRONMENTAL REVIEW. IT IS TIME FOR A FULL ENVIRONMENTAL IMPACT STATEMENT ON THIS PROJECT.

THANK YOU

David + Vicky Mascarenas

DAVID + VICKY MASCARENAS

517 LAUREL DR

EVERETT, WA 98201-4130 (MAILING ADDRESS)

+

805 COHASSET DUNES LANE

WESTPORT, WA 98595

Arden, Hiram T NWS

From: LdotOrg@aol.com
Sent: Monday, January 12, 2004 9:20 PM
To: Arden, Hiram T
Subject: Ref: CENWS-OD-TS-NS-21R

January 11, 2004

Navigation Section
P.O. Box 3755
Seattle, WA 98124-3755
ATTN: Hiram Arden (OD-TS-NS)
Ref: CENWS-OD-TS-NS-21R
hiram.t.arden@usace.army.mil

Placement of Sand, South Jetty Breach Fill Maintenance, Westport, WA

Dear Mr. Arden:

I wish to comment on the proposed placement of 25,000 cubic yards of sandy dredged material on the "rapidly" eroding sandy shoreline at Half Moon Bay, adjacent to the Grays Harbor South Jetty.

As a resident of Grays Harbor and a frequent visitor to Westhaven State Park and the adjoining beaches, I have witnessed the frequent, short-term and ultimately unsuccessful attempts at stopping the erosion along the shoreline in question. Each time an "emergency" is declared, a more intrusive obstruction is placed on the shoreline, at great expense to the public and harm to the environment, only to be washed away, littering the landscape with debris. It is apparent to many who can count the number of "emergencies" over the years that these engineered solutions are a way to circumvent the law. They really cannot continue.

I object on several counts:

1. Your public notice states that the sand placement is necessary "to prevent another breach from occurring and threatening the stability of the jetty..." The major portion of the proposed sand placement, however, will be in an area other than the 1993 breach. Where is the study that shows the erosion in the area where most of the placement is planned will threaten the jetty?
2. You claim that the location of the sand material that will be taken to nourish the eroding beach at Half Moon Bay is "sacrificial". Wasn't that sand required by litigation to remain to cover the rock revetment built in order to protect the Westport Waste Water Treatment Plant? Where is the environmental review for the impact of removing sand from this area?
3. What important resource will this action protect that justifies the use of public funds? Since 20,000 cubic yards of fill will be placed in an area that threatens no infrastructure other than a proposed private condominium development, what is the justification for spending public funds to protect private development?
4. The continued piecemealing of these "emergency" fixes are harmful to the environment. The Corps needs to stop doing "interim" measures and get on with the business of a thorough environmental impact study of the long-term cumulative impacts of erosion control. What was the scientific study used to justify the current proposal?

This latest attempt is foolhardy by your own admission. On page 6 of your Draft Environmental Assessment, you state, "The additional sand will likely experience water and wind erosion and deposition much like the existing landscape." You go on to state that, "...the action would be of little consequence." My question, then, is why bother to do it? You are planning to spend up to \$1,000,000 for an action that you claim will have no consequences. Are you asking the public to throw money away, as grains of sand are washed away by the forces of nature?

In this same document, you describe how detrimental hardening protection measures may be to the shoreline. You acknowledge what any layperson can readily see - end cut erosion occurs whenever hardening measures are introduced. Why is it that not more than one month ago you planned to dump 40,000 tons of rock on this very same shoreline? Do you expect the public to have confidence in your "solutions" when you continuously claim that each action would be of "little consequence?" Are you asking the public to pay for the destruction of their

1/13/2004

Letter 10

beaches?

These are public resources and public funds that are being expended. It is time the Corps used its skill and energy in the positive pursuit of a long-term environmental impact study and refrained from engaging in risky quick fixes.

Linda Orgel
1128 State Route 105
Aberdeen, WA 98520

1/13/2004

OFFICE OF
COUNTY COMMISSIONERS

BOB BEERBOWER
FIRST DISTRICT
DENNIS MORRISSETTE
SECOND DISTRICT
ALBERT A. CARTER
THIRD DISTRICT
DONNA CATON
ADMINISTRATIVE ASSISTANT



STATE OF WASHINGTON

100 West Broadway, Suite #1
MONTESANO, WASHINGTON 98563
PHONE (360) 249-3731
FAX (360) 249-3783

January 12, 2004

Hiram Arden
Seattle District Office
Army Corps of Engineers
United States of America
PO box 3755
Seattle, WA 98124-3755

RE: CENWS-OD-TS-NS-21R

Dear Mr. Arden:

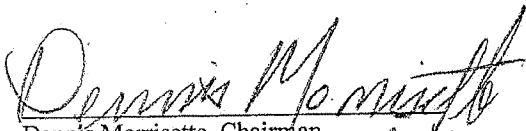
Thank you for the opportunity to comment on the proposed project by United States Army Corps of Engineers for the placement of approximately 25,000 cubic-yards of sandy dredged materials on the rapidly-eroding shoreline adjacent to the Grays Harbor south jetty in Half Moon Bay near Westport, Grays Harbor County, Washington.

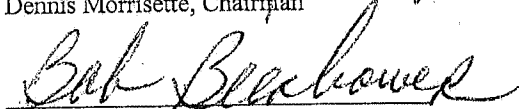
Grays Harbor County fully supports this proposal, as it will allow for the interim stabilization of the Half Moon Bay shoreline and reduce the risk of another breach occurring until a long-term management solution can be formulated and implemented. The County is concerned with potential impacts to fish habitat from the proposed action, therefore understands and recommends that any in-water activity will be performed during a time that minimizes impacts to fish rearing or spawning and in a manner consistent with direction provided by the Washington State Department of Fish and Wildlife.

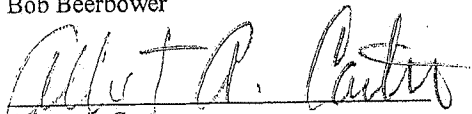
Please contact Paul Easter, Grays Harbor County Public Services Director, at (360) 249-5579, extension 411 should you have any questions concerning this comment.

Sincerely,

BOARD OF COMMISSIONERS
GRAYS HARBOR COUNTY


Dennis Morrisette, Chairman


Bob Beerbower


Albert A. Carter

Cc: Paul Easter, Director of Public Services
Randy Lewis, Westport City Administrator

cc: ERS

Letter 11

Rec'd 1/14/04 A

SMITH & LOWNEY, P.L.L.C.

2317 EAST JOHN STREET
SEATTLE, WASHINGTON 98112
(206) 860-2883, FAX (206) 860-4187

w/98
Exhibits
≈ 8-inches

January 14, 2004

Hiram Arden, Project Manager
Navigation Section
U.S. Army Corps of Engineers
Post Office Box 3755
Seattle, WA 98124-3755

Re: Revised 21-day notice, U.S. Army Corps of Engineers, Placement of Sand, South
Jetty Breach Fill Maintenance, Westport, Washington.
EARLY DEADLINE DRAFT

To Whom It May Concern:

This comment letter is being submitted on behalf of Wildlife Forever of Grays Harbor, Friends of Grays Harbor, and Arthur Grunbaum. These comments are submitted regarding the U.S. Army Corps of Engineers' ("Corps") proposed 2004 action.¹ These comments are submitted in a draft form, to meet the 21-day notice letter, and shall be resubmitted in a final form during the comments period for the EA, FONSI and CZMA.

These comments address the Corps' decision as to whether to undertake the proposed project, as well as the project's compliance with the Coastal Zone Management Act ("CZMA") and the National Environmental Policies Act ("NEPA"). Additional comments on CZMA and NEPA will be submitted within the comment deadlines for those laws.

A. Description of proposed project.

On December 24, 2003, the Corps issued a Revised Public Notice ("Dec. 2003 Public Notice"), a Draft Environmental Assessment ("Dec. 2003 EA") and a Draft Finding of No Significant Impact ("Dec. 2003 FONSI"). These documents describe what can be considered two distinct projects:

"[1] The purpose of the proposed work is to extend the life of the breach fill by nourishing the area adjacent to the south jetty. ... [2] The proposed project will

¹ In addition to these comments, we incorporate by reference the comments of other citizens and organizations, including Washington Environmental Council, Chehalis River Council, Surfrider Foundation, Brady Engvall.

Letter 12 (Draft)

also partially nourish the area adjacent to the previous gravel placement which has severely eroded"

Dec. 2003 FONSI.

"The proposed action consists of placement of 25,000 cubic yards of sand on the south jetty breach fill and in the southeast corner of the breach fill prior to February 14, 2004 or after July 16, 2004. The sand will be excavated from the existing Half Moon Bay direct beach nourishment dredged material disposal site, which is an upland stockpile situated above the Point Chehalis revetment extension constructed in 1999. Approximately 2,500 cubic yards of sand will be placed on the large rainwater runoff gullies that have formed along the southeastern corner of the breach fill. Approximately 2,500 cubic yards of sand will be placed directly adjacent to the jetty in the northwest corner of the breach fill. Approximately 20,000 cubic yards of sand will be placed in the southwest corner of the bay, adjacent to the Westhaven State Park access road and parking lot where severe end-cutting erosion is threatening the breach fill. Of that 20,000 cubic yards, approximately 10,000 cubic yards will be placed in upland areas along the shoreline.

Based upon the results of post-placement monitoring, and dependant on funding availability, the Corps may place up to 15,000 additional cubic yards of sand annually until the time when a long-term erosion management strategy has been implemented."

Dec. 2003 FONSI.

B. *Facts and documents that the Corps should consider.*

The Corps has admitted that it has taken approximately nine "interim" measures in the past decade to deal with the erosion issue in Half Moon Bay. Each of these actions should be considered collectively as an ongoing management program. Thus, in considering whether to take the proposed 2004 action, the Corps should consider all available information on the erosion situation in Half Moon Bay as well as on the Corps previous actions within the past decade. These actions have been discussed in the Dec. 2004 EA and its accompanying cumulative impact analysis. The documents that should be considered for each of these actions include:

- Environmental documents including EA's and FONSI's.
- Public and agency comments.
- Monitoring data.
- Analysis of impacts associated with the project.
- Other documents making up the record of decision for those actions.

In addition, the Corps substantive decision on whether to undertake the 2004 project should evaluate the entire record on the Dec. 2004 EA and FONSI, including

documents and comments that will be submitted to the record on the Corps' NEPA decision. Such comments and documents are hereby incorporated by reference as if attached hereto.

The Corps should also consider all scientific data it has developed and/or possesses on the erosion situation in Half Moon Bay. This includes the research and analysis prepared by the Corps' Coastal and Hydraulics Laboratory (CHL) and U.S. Army Engineer Research and Development Center (ERDC). For example, in a meeting held in Seattle on October 1, 2003, Dr. Nicolas C. Kraus of CHL made a presentation before the assembled group of a computer model of a breach at Half Moon Bay. Someone from the audience made the comment that if that were allowed it would jeopardize the navigational channel. Dr. Kraus counter with the statement "that's what we thought at first", but the model shows that this would not be the case. He commented that the navigational channel was too depth and well-established. He stated that the breach channel would have little or no effect. This analysis and presentation should be made part of this record. This is also true of the work of Patrick Naher and other presenters at meetings relating to erosion in Half Moon Bay.

Among the many documents that should be considered are the South Jetty Sediment Processes Study, April 2003, and South Beach Shoreline Change Analysis, prepared by the Southwestern Coastal Communities, August 2003. These are incorporated by reference.

We are submitting numerous documents that generally discuss the erosion situation in Half Moon Bay and the Links at Half Moon Bay project. We have numbered these documents 1-98, although some of these document numbers contain multiple documents. Please make these documents part of the official record for this action.

C. *The Corps' public notice is inadequate.*

The Dec. 2003 public notice solicited public and agency comments by e-mail. However, e-mail address published on the notice was incorrect. The comments period should be extended due to this error.

In addition, the public notice is inadequate and violates due process by failing to acknowledge that the Corps has no existing authority to excavate sand from the beach in the area proposed. Thus, the public is not made aware of the importance of commenting on this part of the proposal.

Indeed, the public notice relies on the NEPA documents to describe the excavation aspect of the 2004 project. The NEPA documents incorrectly state that "The sand will be excavated from the existing Half Moon Bay direct beach nourishment dredged material disposal site, which is an upland stockpile situated above the Point Chehalis revetment extension constructed in 1999." Dec. 2003 FONSI. Instead of excavating from a stockpile above the revetment extension, the Corps proposes to excavate the beach beneath the revetment extension, as discussed below.

D. An EIS is required before the Corps takes further action in Half Moon Bay.

The Corps should take no more action on erosion in Half Moon Bay without first preparing an environmental impact statement (EIS) on its ongoing program of erosion control in HMB. This program has included over nine major projects in a decade. Each was called "interim;" each was implemented without adequate environmental review. Each had significant environmental consequences and many have had unintended consequences in relocating the erosion problems to other areas of the beach. Additional comments and evidence shall be submitted during the comment period for the EA and FONSI.

F. The cumulative impacts of the Corps' many projects are significant and require a comprehensive EIS.

The Corps has failed to conduct an adequate evaluation of cumulative impacts of its projects in HMB. The "South Jetty Breach Fill Maintenance Cumulative Effects Analysis" attached to the EA does not even describe the Corps ongoing erosion control activities within the vicinity of HMB. It does not describe or analyze the cumulative impacts of the proposed project in conjunction with the other nine projects conducted in HMB over the past decade. Nor does it describe or evaluate the likely cumulative impacts such as impacts on recreation, impacts on fish and wildlife, impacts on benthic communities, or aesthetic impacts. It also does not discuss the cumulative impacts of other erosion control activities, including that of the City of Westport. It does not discuss the related impacts of the excavation project. For example, it does not discuss the source of the sand or the dredging project that will be required to replace the sand.

The analysis fails to acknowledge the uncertainty as to the limited subject areas it discusses, including longshore sand transport, impacts of the Links at Half Moon Bay project. The Corps incorrectly states that the project will not result in changes to the human occupancy of the area, when in fact it will enable additional occupancy in the erosion zone.

The Corps' conclusion on cumulative impacts is that

The proposed placement consists of less than 1% of the total volume of materials placed in Half Moon Bay over the past 10 years. In the context of all that has occurred in the past, the placement of 25,000 cubic yards of sand along the Half Moon Bay shoreline, the placement of 25,000 cubic yards of sand along the Half Moon Bay shoreline and on the breach fill will cause only a tiny increment more harm to biological function.

Dec. 2003 EA, at 22.

This analysis is flawed. The Corps has never determined the biological harm that has occurred and cannot merely shrug off the cumulative impacts analysis by concluding that the current project is small compared with past projects. The cumulative impact analysis must consider the impact of all of these projects.

G. *The Corps should not excavate sand from a beach in HMB that is currently used for recreational activities.*

The proposed excavation on the beach will create significant impacts and should not be allowed. The last excavation in this area created significant impacts by excluding the public from the beach and creating major aesthetic and water quality impacts. The excavation also may have contributed to draining an adjacent wetland. The Corps is legally bound to maintain the area in front of the revetment extension at a 60:1 slope for public recreation. Excavation in this area is contrary to the Corps' commitment and contrary to the City of Westport's Shoreline Master Program and Comprehensive Plan. Excavation in this area has never been subject to environmental review.

1. The Corps incorrectly states that the excavation will take place behind the revetment.

The EA states that "The sand will be excavated from the existing Half Moon Bay direct beach nourishment dredged material disposal site, which is an upland stockpile situated above the Point Chehalis revetment extension constructed in 1999 (see Figure 3)" Dec. 2003 EA p. 8. (emphasis added). In fact, Figure 3 of the Dec. 2003 EA shows that Corps proposes to excavate sand from the beach *below* the Revetment Extension.

2. The proposed excavation will take place in an area currently used for recreational activities.

This area of the beach is used for recreation including beach walking, etc.

3. The Corps is legally obligated to preserve this portion of the beach at a 60:1 slope for public recreation.

The area that the Corps proposes to excavate is subject to the October 7, 1998, Interagency Mitigation Agreement (IMA) for the Point Chehalis Revetment Extension Project. The mitigation plan was to address the Corps' proposal for a 1,900-foot long rock extension of the Point Chehalis revetment. IMA. p. 1. The Corps entered into the IMA with the Washington Department of Fish and Wildlife, Washington Department of Ecology, and the U.S. Fish and Wildlife Service.

The issues of concern resolved in the agreement included "maintenance of beach profile." *Id.* p. 1. The IMA provides:

BEACH NOURISHMENT.

Description.

...

Periodic nourishment of the beach to maintain a stable beach profile of approximately 1 vertical to 60 horizontal (1V on 60H) and to ensure that the toe of the revetment is not exposed is an integral part of the Point Chehalis revetment and South Jetty extension plan. ... It has been agreed that periodic beach nourishment will be treated as a mitigation measure of the revetment extension project, as well as a measure to provide structural integrity to the toe of the revetment.

Mitigation.

The Half Moon Bay shoreline will be periodically nourished with clean sand ... Beach nourishment will be performed so as to establish and maintain an approximate beach profile of 1V on 60H and cover the area shown on Figure 3.

...

Beach nourishment material will be placed on the beach above MHHW (above +9.0 feet MLLW) by hydraulic pipeline. ... Following hydrolic placement of dredged material, the material shall be shaped to a uniform elevation and slope, generally as indicated on Figure 3.

...

Beach Nourishment Stockpile.

...

Sand will be stockpiled behind the revetment extension, between stations 1+00 to 7+00 (see Figure 1), in the area disturbed by revetment construction. The area is presently largely unvegetated. Initially, surplus sand (estimated at between 10,000 and 30,000 CY) will be stockpiled and shaped to a uniform elevation and slope. To maintain a minimum stockpile of 20,000 CY, the stockpile will be replenished in conjunction with periodic beach nourishment. ...

Mitigation Plan, p. 2-3 (emphasis added).

Pursuant to this agreement, the Corps is not allowed to excavate sand from in front of the revetment extension, as they now propose. They are to maintain this area for public recreation.

The protection of this area was also required as a condition of the Corps' water quality certification for the revetment extension. The Surfrider Foundation appealed the water quality certification issued by the Department of Ecology for the revetment extension. That appeal was resolved when the Corps committed to implementing the Mitigation Plan of the IMA, including the protection of the beach in front of the revetment extension.

The Corps' current proposal to excavate on the beach violates the IMA and the Corps' Water Quality Certification for that project. *See* TB 98-02.

Excavation in this area of the beach will create significant impacts to recreation and aesthetics.

Excavation from in front of the revetment extension creates significant impacts to recreation and aesthetics. When the Corps previously removed sand from this area, the result was a huge pit on the beach, which filled with water. The aesthetics of the beach were destroyed and the public was effectively excluded from this part of the beach.

In addition, the excavation in this area may have contributed to draining a wetland that is directly upland of the revetment extension. The IMA required the Corps to protect

the integrity of this interdunal wetland. However, subsequent to the Corps' excavation in this area, the developer of the Links project claimed that the wetland had significantly decreased in size since the revetment extension project was completed.

5. The Excavation violates the Coastal Zone Management Act.

The Westport Shoreline Master Program does not allow the Corps to remove sand from the beach. The sand will be excavated from an area designated as the Urban Environment under the Master Program. WMC 17.32.120(1). The Master Program provides:

The removal of sand and gravel from marine beaches shall only be permitted to create an access on existing right-of-way or to keep existing road accesses open. *The removal of sand and gravel from marine beaches for any other purpose is prohibited.*

WMC 17.32.055(3)(C) (emphasis added).

"Grading and filling operations consistent with the permitted uses shall be permitted *shoreward* of the primary dune, where such dune is ascertainable. Modifications to the primary dune are permitted only where other alternatives are not available and then only when necessary to serve a public purpose (e.g., road, public access, utility, or safety measure) and not merely private or recreational purposes)."

WMC 17.32.050(1) (emphasis added).

Moreover, "mineral extraction and storage" is a conditional use under the Master Program and the Corps has not shown its entitlement to a conditional use permit. WMC 17.32.050(1)(F).

H. *The Corps should not place sand on the shoreline in HMB is not OK. That part of the project is outside of the Corps' mission and is unrelated to the stated purpose of the project -- to prevent a recurrence of the breach.*

1. Protecting Jetty Access Road is outside of the Corps' authority.

The Corps has repeatedly acknowledged that it lacks authority to protect the shoreline position of Half Moon Bay. Yet this is exactly what the sand placement in Half Moon Bay is designed to do. The protection of a small portion of Jetty Access Road and the waterward portion of the parking lot is outside of the Corps' authority and is unrelated to preventing a breach. Aerial photos show that there has never been any breach threat in the area of the Westhaven State Park parking lot (Park parking lot). While fill was placed there after the breach was repaired, all of that fill has eroded away and placing fill there has no relationship to preventing a breach.

2. It is not necessary to protect the northwestern end of Jetty Access Road and the shoreward edge of the State Park parking lot.

For most of the Jetty's history, maintenance equipment and vehicles have accessed the Jetty without benefit of a paved road. During the 2002 Breach Fill, the Corps used "off road trucks" so that a road was not necessary to conduct that major

project. Jetty access for maintenance could be accomplished via the southern portion of the Park parking lot, via temporary roads, or via the Ocean Beach trail.

Recreational beach users also have traditionally accessed the South Beach and other parks of Westhaven State Park over dirt roads. The paved road, parking lot, and bathrooms are recent additions that can be relocated. The Parks department relocated the parking lot that used to be in the area of the breach; they have now said they would relocate the parking lot and road if necessary. It makes no sense to fight the ocean and harm habitat and recreation in the name of benefiting recreational users.

3. Placing sand on the beach will have significant and uncertain environmental impacts.

The Corps admits that it does not understand the benthic communities in Half Moon Bay and their relationship to other populations, including threatened and candidate fish species. It is recognized that the placement of sand in this area will prevent the establishment of stable benthic communities, at the base of the aquatic foodchain. The Corps admits that it does not know the significance of this impact. It will also harm crab and other sealife populations. It also will prevent recreation on and access to the beach in the area adjacent to the parking lot. Previous sand placement has created major cliffs that made the beach inaccessible to the elderly and people with disabilities.

The area that the Corps will place sand was previously an important recreational area, especially since it is close to the parking lot. For example, it was the site of a previous clean water paddle. Placing large amounts of sand in that area will prevent public access to this area of the beach.

4. The sand placement is contrary to Coastal Zone Management Act.

Under the Westport Shoreline Master Program, the proposed sand placement is defined as a "landfill." See Westport Municipal Code (WMC) 17.32.055(D) ("Landfills also occur to replace shoreland areas removed by wave action or the normal erosive processes of nature."). Landfills are a conditional use in either the Conservancy Environment or the Urban Environment. WMC 17.32.050(1)(F), (2)(F).² However, landfills are allowed only if "associated with approved shoreline permit and consistent with other regulations of this Master Program." *Id.* In addition, "In-water landfills and landfills waterward of ordinary high water ... shall not be permitted unless the landfill is ... necessary for a water dependent use. ... Where landfill does occur ... [m]aterials which could create water quality problems or which will rapidly deteriorate are not permitted. WMC 17.32.055(3)(F), (G). These standards are not met.

I. *Protecting Jetty Access Road will facilitate the Links project, which will have significant environmental impacts.*

Protecting Jetty Access Road will facilitate the development of the Links golf course, which is recognized to have significant environmental impacts, including: over 56

² The sand will be placed waterward of the Ordinary High Water Mark and therefore within an area designated as Conservancy Environment under the City's Shoreline Master Program. Westport Municipal Code (WMC) 17.32.120(1).

acres of wetland and buffer impacts; aesthetic impacts from building large structures in the erosion zone and adjacent to the public beach; pollution of wetlands with over 39 tons of pesticides and fertilizers every year. A NEPA EIS on the Links Project is required before the Corps takes an action that will facilitate that project.

J. Protecting the Jetty Access Road now will facilitate development of 200 condominiums in the erosion zone, with resulting impacts.

The Corps placement of sand in the erosion zone will enhance and stabilize the beach directly in front of the proposed development site for 200 condominiums. The construction of 200 condominium units directly on the eroding beach would inevitably require the armoring of the shoreline to protect the condominiums from the ongoing erosion. Thus, protecting the development site in the "interim" will foreclose options for dealing with erosion in the long term. For example, "stepping back" development and other environmentally friendly options will no longer be viable. The remaining long term options, such as armoring the beach in front of the condominiums or extending the jetty to enclose half moon bay, will significantly harm the environment, marine life, and recreation.

K. Mitigation is inadequate.

The Corps' Coastal Engineering Manual recognizes the inadequacy of mitigation in this type of environment:

d. Compensatory mitigation has been criticized and deemed largely unsuccessful in coastal habitats (Race 1985, Zedler 1996a). Restoration of lost ecological functions is difficult to achieve in created wetlands, particularly those that are small and/or isolated and affected by surrounding land use. Even when vastly more habitat area is created than was lost, it may be insufficient to provide functional equivalency to tidal wetlands lost (Zedler 1996b). In recent years, there has been considerable research on measurement and assessment of functional equivalency in restored and created coastal habitats. The results suggest that even in the case of the most well-designed and carefully executed projects, restoration of certain ecological functions may not occur for decades (Simenstad and Thom 1996).

L. Additional factual statement.

With over 536,000 visitors annually, Westhaven State Park is one of the most popular coastal access in the State. Grunbaum Dec. ¶ 3. It is the closest point of coastal access from Seattle. The Half Moon Bay shoreline is used for walking, surfing, kayaking, swimming, and other beach activities. *Id.*

In addition to this important human activity resource, Half Moon Bay also provides habitat for a variety of fish species, including smelt, Pacific herring, starry flounder, shiner perch, sand lance, northern anchovy, Pacific sanddab, lingcod, redbtail surfperch, sand sole, threespine stickleback, and Pacific staghorn sculpin. 2003 EA, p. 12. Salmonids, including chinook, coho, and chum salmon along with steelhead, bull trout,

and cutthroat trout, also utilize Half Moon Bay and for some Half Moon Bay is designated as Essential Fish Habitat. 2003 EA, p. 15. The commercially important Dungeness crab is found in Half Moon Bay. *Id.* Grays Harbor including the Half Moon Bay shoreline is also a major shorebird staging area, and a critical part of the Pacific Coast shorebird migration. *Id.*

The Washington State Department of Fish and Wildlife has found that "During their spring migration, juvenile salmonids utilize the intertidal and shallow subtidal areas of Half Moon Bay for rearing and escape from predators." January 12, 1995 letter to Corps, *Grunbaum Ex. C*. Negative changes to rearing habitat in Half Moon Bay could "result in a marked cumulative decrease in salmonid survival in Grays Harbor. Salmonids impacted would include wild coastal coho," *Id.*, which is a candidate for listing under the Federal Endangered Species Act. 60 FR 38011-38030.

The history of the erosion issue in Half Moon Bay is discussed in the 2003 EA, p. 1. In 1993, this erosion caused a breach of the neck of land joining Westhaven State Park with the South Jetty. *Id.*

In the first of its string of piecemeal actions, in 1994 the Corps filled the breach between the South Jetty and Westhaven State Park with approximately 600,000 cubic yards of material dredged from the Grays Harbor and Chehalis River navigation channel, at a cost of \$4 million. *Id.* The 1994 project was "*an interim measure ... until an acceptable long-term solution could be implemented.*" *Id.* The stated need for the breach fill included protecting City's infrastructure including its wastewater treatment plant from erosion. *Id.* The Corps' decision to "fill the breach" set a policy direction that has driven its ongoing program of actions to fight erosion on these beaches, including its 2003 proposal. *Id.* at 1-3.

The Corps prepared only an EA and FONSI even though resource agencies including US Fish and Wildlife requested an EIS. See 1994 Environmental Assessment for Breach Fill, *Lowney Ex. C*.

Between November 1998 and March 1999, the Corps constructed a 1,900 foot extension to the Point Chehalis Revetment in Half Moon Bay, also designed to protect City infrastructure if a breach recurred. See 1998 Environmental Assessment for Revetment Extension, *Lowney Ex. D*, p. 4, 6. The 1,900-foot revetment was armored with rock up to 10,000 pounds. *Id.* The project was extremely controversial, resulting in a lawsuit by several environmental organizations including the Surfrider Foundation and Washington Environmental Council and a multi-agency mitigation agreement. *Lowney Dec.* ¶ 3. The Corps issued an EA and FONSI. *Lowney Dec. Ex. C*.

Between December 1999 and February 2000, the Corps took two more major actions in responding to erosion in Half Moon Bay. First, it constructed within Half Moon Bay a wave diffraction mound, which was supposed to reduce wave-induced erosion in the western portion of Half Moon Bay adjacent to the Jetty. Second, it rehabilitated the South Jetty to help reduce wave-caused erosion of the unprotected portion of Half Moon Bay. 2003 EA, p. 2. The Corps issued EAs and FONSI for these projects.

The Corps also began experimenting with placing rock directly on the shoreline of Half Moon Bay. First, when it constructed the wave diffraction mound, the Corps placed 11,600 cubic yards of rock up to 12-inches in size on the adjacent beach. Then, in January of 2002, the Corps placed another 16,100 cubic yards of rock, this time covering a larger area. Lowney Ex. A. p. 2. The Corps prepared an EA and FONSI for the first placement, but it is unclear whether it conducted a NEPA analysis for the second. See *Grunbaum Ex. A* (diagram of increasingly wide rock placement); ¶ 4, 5.

In 2002, the Corps completed a second breach fill project, which placed approximately 125,000 cubic yards of sandy dredge materials in the area of the breach. Again, the Corps merely completed an EA and FONSI. See Environmental Assessment for South Jetty Breach Fill, 2002, *Lowney Ex. E*. This project also had unintended consequences in that it created a 20 foot steep cliff between the public beach and the access from the Park's parking lot. The elderly and people with disabilities were effectively excluded from the public beach. Grunbaum Dec. ¶ 6.

In addition to these discrete projects, the Corps combats erosion in Half Moon Bay by routinely "nourishing" Half Moon Bay beaches with sand from the Corps' maintenance dredging operations. The impact of dumping of 700,000 cubic yards of sandy in Half Moon Bay was analyzed in an EA and FONSI. *Lowney Ex. F*.

Please inform me of any decision reached in this matter.

Yours truly,
Smith & Lowney PLLC

By 

Knoll D. Lowney

Attorneys for Wildlife Forever of Grays
Harbor, Friends of Grays Harbor, and Arthur
Grunbuam.

Red 1/23/04 ★

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FAX COVER SHEET

This fax is 39 pages, including this sheet.

Date: 1/23/04

To: HELEN PRESLEY
360 407 6305

Fax #: HIRAM ARDEN
206 764 3308

This document is from: Knoll D. Lowney, (206)-860-2976

Comments:

The information contained in this fax message is attorney/client privileged and/or confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original to us at the above address via the U.S. mail. Thank you.

Letter 12 (final)

SMITH & LOWNEY, P.L.L.C.

2317 EAST JOHN STREET
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January 23, 2004

Hiram Arden, Project Manager
Navigation Section
U.S. Army Corps of Engineers
Post Office Box 3755
Seattle, WA 98124-3755

Re: Revised 21-day notice, U.S. Army Corps of Engineers, Placement of Sand CENWS-0D-TS-NS-21R, and Draft Environmental Assessment, South Jetty Breach Fill Maintenance, Westport, Washington.

To Whom It May Concern:

This comment letter is being submitted on behalf of Wildlife Forever of Grays Harbor, Friends of Grays Harbor, and Arthur Grunbaum. These comments are submitted regarding the U.S. Army Corps of Engineers' ("Corps") proposed 2004 action.¹ These comments are submitted in a draft form, to meet the 21-day notice letter, and shall be resubmitted in a final form during the comments period for the EA, FONSI and CZMA.

These comments address the Corps' decision as to whether to undertake the proposed project, as well as the project's compliance with the Coastal Zone Management Act ("CZMA") and the National Environmental Policies Act ("NEPA"). Additional comments on CZMA and NEPA will be submitted within the comment deadlines for those laws.

A. *Description of proposed project.*

On December 24, 2003, the Corps issued a Revised Public Notice ("Dec. 2003 Public Notice"), a Draft Environmental Assessment ("Dec. 2003 EA") and a Draft Finding of No Significant Impact ("Dec. 2003 FONSI"). These documents describe what can be considered two distinct projects:

¹In addition to these comments, we incorporate by reference the comments of other citizens and organizations, including Washington Environmental Council, Chehalis River Council, Surfrider Foundation, Brady Engvall.

January 23, 2004

Comments on breach fill maintenance proposal.

"[1] The purpose of the proposed work is to extend the life of the breach fill by nourishing the area adjacent to the south jetty. ... [2] The proposed project will also partially nourish the area adjacent to the previous gravel placement which has severely eroded"

Dec. 2003 FONSI.

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January 23, 2004

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January 23, 2004

Comments on breach fill maintenance proposal.

excavating from a stockpile above the revetment extension, the Corps proposes to excavate the beach beneath the revetment extension, as discussed below.

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The Corps should take no more action on erosion in Half Moon Bay without first preparing an environmental impact statement (EIS) on its ongoing program of erosion control in HMB. This program has included over nine major projects in a decade. Each was called "interim;" each was implemented without adequate environmental review. Each had significant environmental consequences and many have had unintended consequences in relocating the erosion problems to other areas of the beach. Additional comments and evidence shall be submitted during the comment period for the EA and FONSI.

F. The cumulative impacts of the Corps' many projects are significant and require a comprehensive EIS.

The Corps has failed to conduct an adequate evaluation of cumulative impacts of its projects in HMB. The "South Jetty Breach Fill Maintenance Cumulative Effects Analysis" attached to the EA does not even describe the Corps' ongoing erosion control activities within the vicinity of HMB. It does not describe or analyze the cumulative impacts of the proposed project in conjunction with the other nine projects conducted in HMB over the past decade. Nor does it describe or evaluate the likely cumulative impacts such as impacts on recreation, impacts on fish and wildlife, impacts on benthic communities, or aesthetic impacts. It also does not discuss the cumulative impacts of other erosion control activities, including that of the City of Westport. It does not discuss the related impacts of the excavation project. For example, it does not discuss the source of the sand or the dredging project that will be required to replace the sand.

The analysis fails to acknowledge the uncertainty as to the limited subject areas it discusses, including longshore sand transport, impacts of the Links at Half Moon Bay project. The Corps incorrectly states that the project will not result in changes to the human occupancy of the area, when in fact it will enable additional occupancy in the erosion zone.

The Corps' conclusion on cumulative impacts is that

The proposed placement consists of less than 1% of the total volume of materials placed in Half Moon Bay over the past 10 years. In the context of all that has occurred in the past, the placement of 25,000 cubic yards of sand along the Half Moon Bay shoreline, the placement of 25,000 cubic yards of sand along the Half Moon Bay shoreline and on the breach fill will cause only a tiny increment more harm to biological function.

Dec. 2003 EA, at 22.

This analysis is flawed. The Corps has never determined the biological harm that has occurred and cannot merely shrug off the cumulative impacts analysis by concluding

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that the current project is small compared with past projects. The cumulative impact analysis must consider the impact of all of these projects.

G. *The Corps should not excavate sand from a beach in HMB that is currently used for recreational activities.*

The proposed excavation on the beach will create significant impacts and should not be allowed. The last excavation in this area created significant impacts by excluding the public from the beach and creating major aesthetic and water quality impacts. The excavation also may have contributed to draining an adjacent wetland. The Corps is legally bound to maintain the area in front of the revetment extension at a 60:1 slope for public recreation. Excavation in this area is contrary to the Corps' commitment and contrary to the City of Westport's Shoreline Master Program and Comprehensive Plan. Excavation in this area has never been subject to environmental review.

1. The Corps incorrectly states that the excavation will take place behind the revetment.

The EA states that "The sand will be excavated from the existing Half Moon Bay direct beach nourishment dredged material disposal site, which is an upland stockpile situated above the Point Chehalis revetment extension constructed in 1999 (see Figure 3)" Dec. 2003 EA p. 8. (emphasis added). In fact, Figure 3 of the Dec. 2003 EA shows that Corps proposes to excavate sand from the beach below the Revetment Extension.

2. The proposed excavation will take place in an area currently used for recreational activities.

This area of the beach is used for recreation including beach walking, etc.

3. The Corps is legally obligated to preserve this portion of the beach at a 60:1 slope for public recreation.

The area that the Corps proposes to excavate is subject to the October 7, 1998, Interagency Mitigation Agreement (IMA) for the Point Chehalis Revetment Extension Project. The mitigation plan was to address the Corps' proposal for a 1,900-foot long rock extension of the Point Chehalis revetment. IMA, p. 1. The Corps entered into the IMA with the Washington Department of Fish and Wildlife, Washington Department of Ecology, and the U.S. Fish and Wildlife Service.

The issues of concern resolved in the agreement included "maintenance of beach profile." *Id.* p. 1. The IMA provides:

BEACH NOURISHMENT.

Description.

...

Periodic nourishment of the beach to maintain a stable beach profile of approximately 1 vertical to 60 horizontal (1V on 60H) and to ensure that the toe of the revetment is not exposed is an integral part of the Point Chehalis revetment and South Jetty extension plan. ... It has been agreed that periodic beach nourishment will be treated as a mitigation measure of

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the revetment extension project, as well as a measure to provide structural integrity to the toe of the revetment.

Mitigation.

The Half Moon Bay shoreline will be periodically nourished with clean sand ... Beach nourishment will be performed so as to establish and maintain an approximate beach profile of 1V on 60H and cover the area shown on Figure 3.

...

Beach nourishment material will be placed on the beach above MHHW (above +9.0 feet MLLW) by hydraulic pipeline. ... Following hydraulic placement of dredged material, the material shall be shaped to a uniform elevation and slope, generally as indicated on Figure 3.

...

Beach Nourishment Stockpile.

...

Sand will be stockpiled behind the revetment extension, between stations 1+00 to 7+00 (see Figure 1), in the area disturbed by revetment construction. The area is presently largely unvegetated. Initially, surplus sand (estimated at between 10,000 and 30,000 CY) will be stockpiled and shaped to a uniform elevation and slope. To maintain a minimum stockpile of 20,000 CY, the stockpile will be replenished in conjunction with periodic beach nourishment. ...

Mitigation Plan, p. 2-3 (emphasis added).

Pursuant to this agreement, the Corps is not allowed to excavate sand from in front of the revetment extension, as they now propose. They are to maintain this area for public recreation.

The protection of this area was also required as a condition of the Corps' water quality certification for the revetment extension. The Surfrider Foundation appealed the water quality certification issued by the Department of Ecology for the revetment extension. That appeal was resolved when the Corps committed to implementing the Mitigation Plan of the IMA, including the protection of the beach in front of the revetment extension.

The Corps' current proposal to excavate on the beach violates the IMA and the Corps' Water Quality Certification for that project. See TB 98-02.

Excavation in this area of the beach will create significant impacts to recreation and aesthetics.

Excavation from in front of the revetment extension creates significant impacts to recreation and aesthetics. When the Corps previously removed sand from this area, the

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result was a huge pit on the beach, which filled with water. The aesthetics of the beach were destroyed and the public was effectively excluded from this part of the beach.

In addition, the excavation in this area may have contributed to draining a wetland that is directly upland of the revetment extension. The IMA required the Corps to protect the integrity of this intertidal wetland. However, subsequent to the Corps' excavation in this area, the developer of the Links project claimed that the wetland had significantly decreased in size since the revetment extension project was completed.

5. The Excavation violates the Coastal Zone Management Act.

The Westport Shoreline Master Program does not allow the Corps to remove sand from the beach. The sand will be excavated from an area designated as the Urban Environment under the Master Program. WMC 17.32.120(1). The Master Program provides:

The removal of sand and gravel from marine beaches shall only be permitted to create an access on existing right-of-way or to keep existing road accesses open. *The removal of sand and gravel from marine beaches for any other purpose is prohibited.*

WMC 17.32.055(3)(C) (emphasis added).

"Grading and filling operations consistent with the permitted uses shall be permitted *shoreward* of the primary dune, where such dune is ascertainable. Modifications to the primary dune are permitted only where other alternatives are not available and then only when necessary to serve a public purpose (e.g., road, public access, utility, or safety measure) and not merely private or recreational purposes)."

WMC 17.32.050(1) (emphasis added).

Moreover, "mineral extraction and storage" is a conditional use under the Master Program and the Corps has not shown its entitlement to a conditional use permit. WMC 17.32.050(1)(F).

H. *The Corps should not place sand on the shoreline in HMB. It is not OK. That part of the project is outside of the Corps' mission and is unrelated to the stated purpose of the project – to prevent a recurrence of the breach.*

1. Protecting Jetty Access Road is outside of the Corps' authority.

The Corps has repeatedly acknowledged that it lacks authority to protect the shoreline position of Half Moon Bay. Yet this is exactly what the sand placement in Half Moon Bay is designed to do. The protection of a small portion of Jetty Access Road and the waterward portion of the parking lot is outside of the Corps' authority and is unrelated to preventing a breach. Aerial photos show that there has never been any breach threat in the area of the Westhaven State Park parking lot (Park parking lot). While fill was placed there after the breach was repaired, all of that fill has eroded away and placing fill there has no relationship to preventing a breach.

2. It is not necessary to protect the northwestern end of Jetty Access Road and the shoreward edge of the State Park parking lot.

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For most of the Jetty's history, maintenance equipment and vehicles have accessed the Jetty without benefit of a paved road. During the 2002 Breach Fill, the Corps used "off road trucks" so that a road was not necessary to conduct that major project. Jetty access for maintenance could be accomplished via the southern portion of the Park parking lot, via temporary roads, or via the Ocean Beach trail.

Recreational beach users also have traditionally accessed the South Beach and other parts of Westhaven State Park over dirt roads. The paved road, parking lot, and bathrooms are recent additions that can be relocated. The Parks department relocated the parking lot that used to be in the area of the breach; they have now said they would relocate the parking lot and road if necessary. It makes no sense to fight the ocean and harm habitat and recreation in the name of benefiting recreational users.

3. Placing sand on the beach will have significant and uncertain environmental impacts.

The Corps admits that it does not understand the benthic communities in Half Moon Bay and their relationship to other populations, including threatened and candidate fish species. It is recognized that the placement of sand in this area will prevent the establishment of stable benthic communities, at the base of the aquatic foodchain. The Corps admits that it does not know the significance of this impact. It will also harm crab and other sealife populations. It also will prevent recreation on and access to the beach in the area adjacent to the parking lot. Previous sand placement has created major cliffs that made the beach inaccessible to the elderly and people with disabilities.

The area that the Corps will place sand was previously an important recreational area, especially since it is close to the parking lot. For example, it was the site of a previous clean water paddle. Placing large amounts of sand in that area will prevent public access to this area of the beach.

4. The sand placement is contrary to Coastal Zone Management Act.

Under the Westport Shoreline Master Program, the proposed sand placement is defined as a "landfill." See Westport Municipal Code (WMC) 17.32.055(D) ("Landfills also occur to replace shoreland areas removed by wave action or the normal erosive processes of nature."). Landfills are a conditional use in either the Conservancy Environment or the Urban Environment. WMC 17.32.050(1)(F), (2)(F).² However, landfills are allowed only if "associated with approved shoreline permit and consistent with other regulations of this Master Program." *Id.* In addition, "In-water landfills and landfills waterward of ordinary high water ... shall not be permitted unless the landfill is ... necessary for a water dependent use. ... Where landfill does occur ... [m]aterials which could create water quality problems or which will rapidly deteriorate are not permitted. WMC 17.32.055(3)(F), (G). These standards are not met.

² The sand will be placed waterward of the Ordinary High Water Mark and therefore within an area designated as Conservancy Environment under the City's Shoreline Master Program. Westport Municipal Code (WMC) 17.32.120(1).

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I. Protecting Jetty Access Road will facilitate the Links project, which will have significant environmental impacts.

Protecting Jetty Access Road will facilitate the development of the Links golf course, which is recognized to have significant environmental impacts, including: over 56 acres of wetland and buffer impacts; aesthetic impacts from building large structures in the erosion zone and adjacent to the public beach; pollution of wetlands with over 39 tons of pesticides and fertilizers every year. A NEPA EIS on the Links Project is required before the Corps takes an action that will facilitate that project.

J. Protecting the Jetty Access Road now will facilitate development of 200 condominiums in the erosion zone, with resulting impacts.

The Corps placement of sand in the erosion zone will enhance and stabilize the beach directly in front of the proposed development site for 200 condominiums. The construction of 200 condominium units directly on the eroding beach would inevitably require the armoring of the shoreline to protect the condominiums from the ongoing erosion. Thus, protecting the development site in the "interim" will foreclose options for dealing with erosion in the long term. For example, "stepping back" development and other environmentally friendly options will no longer be viable. The remaining long term options, such as armoring the beach in front of the condominiums or extending the jetty to enclose half moon bay, will significantly harm the environment, marine life, and recreation.

K. Mitigation is inadequate.

The Corps' Coastal Engineering Manual recognizes the inadequacy of mitigation in this type of environment:

d. Compensatory mitigation has been criticized and deemed largely unsuccessful in coastal habitats (Race 1985, Zedler 1996a). Restoration of lost ecological functions is difficult to achieve in created wetlands, particularly those that are small and/or isolated and affected by surrounding land use. Even when vastly more habitat area is created than was lost, it may be insufficient to provide functional equivalency to tidal wetlands lost (Zedler 1996b). In recent years, there has been considerable research on measurement and assessment of functional equivalency in restored and created coastal habitats. The results suggest that even in the case of the most well-designed and carefully executed projects, restoration of certain ecological functions may not occur for decades (Simenstad and Thom 1996).

L. Additional factual statement.

With over 536,000 visitors annually, Westhaven State Park is one of the most popular coastal access in the State. Grunbaum Dec. ¶ 3. It is the closest point of coastal access from Seattle. The Half Moon Bay shoreline is used for walking, surfing, kayaking, swimming, and other beach activities. *Id.*

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In addition to this important human activity resource, Half Moon Bay also provides habitat for a variety of fish species, including smelt, Pacific herring, starry flounder, shiner perch, sand lance, northern anchovy, Pacific sanddab, lingcod, redbtail surfperch, sand sole, threespine stickleback, and Pacific staghorn sculpin. 2003 EA, p. 12. Salmonids, including chinook, coho, and chum salmon along with steelhead, bull trout, and cutthroat trout, also utilize Half Moon Bay and for some Half Moon Bay is designated as Essential Fish Habitat. 2003 EA, p. 15. The commercially important Dungeness crab is found in Half Moon Bay. *Id.* Grays Harbor including the Half Moon Bay shoreline is also a major shorebird staging area, and a critical part of the Pacific Coast shorebird migration. *Id.*

The Washington State Department of Fish and Wildlife has found that "During their spring migration, juvenile salmonids utilize the intertidal and shallow subtidal areas of Half Moon Bay for rearing and escape from predators." January 12, 1995 letter to Corps, *Grunbaum Ex. C*. Negative changes to rearing habitat in Half Moon Bay could "result in a marked cumulative decrease in salmonid survival in Grays Harbor. Salmonids impacted would include wild coastal coho." *Id.*, which is a candidate for listing under the Federal Endangered Species Act. 60 FR 38011-38030.

The history of the erosion issue in Half Moon Bay is discussed in the 2003 EA, p. 1. In 1993, this erosion caused a breach of the neck of land joining Westhaven State Park with the South Jetty. *Id.*

In the first of its string of piecemeal actions, in 1994 the Corps filled the breach between the South Jetty and Westhaven State Park with approximately 600,000 cubic yards of material dredged from the Grays Harbor and Chehalis River navigation channel, at a cost of \$4 million. *Id.* The 1994 project was "an interim measure ... until an acceptable long-term solution could be implemented." *Id.* The stated need for the breach fill included protecting City's infrastructure including its wastewater treatment plant from erosion. *Id.* The Corps' decision to "fill the breach" set a policy direction that has driven its ongoing program of actions to fight erosion on these beaches, including its 2003 proposal. *Id.* at 1-3.

The Corps prepared only an EA and FONSI even though resource agencies including US Fish and Wildlife requested an EIS. See 1994 Environmental Assessment for Breach Fill, *Lowney Ex. C*.

Between November 1998 and March 1999, the Corps constructed a 1,900 foot extension to the Point Chehalis Revetment in Half Moon Bay, also designed to protect City infrastructure if a breach recurred. See 1998 Environmental Assessment for Revetment Extension, *Lowney Ex. D*, p. 4, 6. The 1,900-foot revetment was armored with rock up to 10,000 pounds. *Id.* The project was extremely controversial, resulting in a lawsuit by several environmental organizations including the Surfrider Foundation and Washington Environmental Council and a multi-agency mitigation agreement. *Lowney Dec. ¶ 3*. The Corps issued an EA and FONSI. *Lowney Dec. Ex. C*.

Between December 1999 and February 2000, the Corps took two more major actions in responding to erosion in Half Moon Bay. First, it constructed within Half Moon Bay a wave diffraction mound, which was supposed to reduce wave-induced erosion in the western portion of Half Moon Bay adjacent to the Jetty. Second, it

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rehabilitated the South Jetty to help reduce wave-caused erosion of the unprotected portion of Half Moon Bay. 2003 EA, p. 2. The Corps issued EAs and FONSI for these projects.

The Corps also began experimenting with placing rock directly on the shoreline of Half Moon Bay. First, when it constructed the wave diffraction mound, the Corps placed 11,600 cubic yards of rock up to 12-inches in size on the adjacent beach. Then, in January of 2002, the Corps placed another 16,100 cubic yards of rock, this time covering a larger area. Lowney Ex. A. p. 2. The Corps prepared an EA and FONSI for the first placement, but it is unclear whether it conducted a NEPA analysis for the second. See *Grunbaum Ex. A* (diagram of increasingly wide rock placement); ¶ 4, 5.

In 2002, the Corps completed a second breach fill project, which placed approximately 125,000 cubic yards of sandy dredge materials in the area of the breach. Again, the Corps merely completed an EA and FONSI. See Environmental Assessment for South Jetty Breach Fill, 2002, *Lowney Ex. E*. This project also had unintended consequences in that it created a 20 foot steep cliff between the public beach and the access from the Park's parking lot. The elderly and people with disabilities were effectively excluded from the public beach. Grunbaum Dec. ¶ 6.

In addition to these discrete projects, the Corps combats erosion in Half Moon Bay by routinely "nourishing" Half Moon Bay beaches with sand from the Corps' maintenance dredging operations. The impact of dumping of 700,000 cubic yards of sandy in Half Moon Bay was analyzed in an EA and FONSI. *Lowney Ex. F*.

Please inform me of any decision reached in this matter.

Yours truly,

SMITH & LOWNEY PLLC

By 

Knoll D. Lowney

Attorneys for Wildlife Forever of Grays Harbor, Friends of Grays Harbor, and Arthur Grunbaum.



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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August 30, 1999

Mr. Steven Babcock, Project Manager
Civil Projects and Planning Branch
Seattle District Corps of Engineers
P.O. Box C-3755
Seattle, WA 98124-3755

RE: Revisions to Water Quality Certification/Modification
Corps Public Notice TB-98-02
Extension of Point Chehalis Revetment.

Dear Mr. Babcock:

Revisions to the above referenced water quality certification are required as a result of the settlement of the appeal of the certification to the Pollution Control Hearings Board, Case No. 98-257. The revisions are specified in Part 3.a.(1) and (2) of the "Stipulation and Agreed Order" dated July 15, 1999. Except as revised, all other conditions of certification, contained in Order No. TB-98-02, shall remain in effect. The revisions of note are shown as bold italic font in the order enclosed with this letter.

Revision to Transmittal Letter: *This water quality certification is granted to the Seattle District Corps of Engineers on the condition that those provisions of approval applicable to the life of the Point Chehalis Revetment Project (noted in the Order) shall remain in effect for the entire life of the project. At a minimum, project life is predicated upon an economically-derived structural life span of 50 years. In addition, certification of the project is contingent upon the full faith implementation by the Seattle District Corps of Engineers of the mitigation plan contained as Attachment A to the signed Interagency Mitigation Agreement dated October 7, 1998. The department considers this commitment to be unconditional and not subject to or contingent upon the availability of federal funding.*

If you have any questions concerning the content of the revisions to the Order, please contact Rick Vining at (360) 407-6944.

Sincerely,

Paula Ehlers, Supervisor
Environmental Coordination Section
Shorelands and Environmental Assistance Program

cc: AG - Tanya Barnett
City of Westport
Port of Grays Harbor
Knoll Lowney, Agent for Surfrider Foundation

DEPARTMENT of ECOLOGY

In the Matter of Granting a Water
Quality Certification/Modification
to: Seattle District Corps of Engineers
in accordance with 33 U.S.C. 1341
[FWPCA § 401], RCW 90.48.260
and WAC 173-201A

) Order No. TB-98-02
) Construct a 1,900-foot extension
) to the Point Chehalis revetment.
)
)
)

TO: Mr. Steven Babcock
Seattle District Corps of Engineers
Civil Projects and Planning Branch

On June 26, 1998, a request for water quality certification from the State of Washington was submitted for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401). The request for certification was made available for public review and comment by inclusion in Seattle Corps Public Notice No. TB-98-02.

The proposed project involves several elements:

- (1) the construction of a 1,900-foot extension to the Point Chehalis revetment in an alignment that lies above mean higher high water of Half Moon Bay;
- (2) the placement of revetment fill into approximately 1.4 acres of palustrine emergent (dunal) wetland situated within the proposed alignment (on the landward side);
- (3) the construction of a mitigation site to compensate for the unavoidable loss of approximately 1.4 acres of palustrine dunal wetland;
- (4) the nourishment of the beach at Half Moon Bay by periodic placement of clean dredged material just offshore and directly onto the beach; and
- (5) the placement and maintenance of an emergency supply of sand (stockpile) at a convenient location behind the revetment.

In exercising its authority under 33 U.S.C. 1341 and RCW 90.48.260, Ecology has investigated this application pursuant to the following:

1. Conformance with the state water quality standards as provided for in Chapter 173-201A WAC authorized by 33 U.S.C. 1313 and by Chapter 90.48 RCW, and with other appropriate requirements of state law;
2. Conformance with the provision of using all known, available and reasonable methods to prevent and control pollution of state waters as required by RCW 90.48.010.

In view of the foregoing and in accordance with 33 U.S.C. 1341, 90.48.260 RCW and Chapter 173-201A WAC, certification is granted to the Seattle District Corps of Engineers subject to the following conditions:

Order No. TB-98-02, Revised
August 30, 1999

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1. Revetment Design. State approval of the proposed revetment extension is based, in part, on the following design features committed to by the Corps and project sponsors (City of Westport and Port of Grays Harbor):

a) The 1,900-foot extension of the revetment is to be constructed entirely landward of the ordinary high water line and kept buried by a suitable covering of sand so as to appear as a part of the Half Moon Bay dune system. *This requirement is one of the conditions of certification that shall remain in effect for the life of the (revetment) project.*

b) Periodic or "as needed" beach nourishment is included as an integral element of the revetment project to maintain burial of the revetment and to prevent shoreline erosion that could eventually expose the lower face the revetment to marine waters. If sufficient quantities of dredged material are not available to maintain the agreed upon beach profile, the Corps and project sponsors shall be considered responsible for procuring and placing an alternate source of suitable nourishment material, such as from an upland source. *This requirement is one of the conditions of certification that shall remain in effect for the life of the (revetment) project.*

2. Revetment Construction.

a) The contractor shall use all reasonable measures to minimize the impacts of construction activity on waters of the state, including the dunal wetlands situated immediately adjacent to the revetment. The alignment of the revetment extension shall be staked during a pre-construction meeting involving the Corps, the contractor and representatives from Ecology and WDFW. Construction methods and measures to minimize impacts to surface waters and wetlands will also be described and discussed at the pre-construction meeting.

b) Any turbid water generated from construction activities shall not be discharged directly into Half Moon Bay or the dunal wetland area. Temporary sediment control structures or traps shall be used to allow the turbid water to settle for a minimum of two hours before discharge. All planned sediment and erosion control measures shall be adjusted to meet field conditions at the time of construction. Sediment control measures shall be inspected periodically and maintained so as to be in working condition at the end of each workday.

c) Any excess excavated or construction material shall be transported and disposed of in a manner that prevents the material from entering state waters, including wetlands.

d) In the event of a spill or discharge of oil, fuel, or chemicals at the construction site, containment and cleanup efforts shall begin immediately and be completed as soon as possible, taking precedence over normal work. Cleanup shall include proper disposal of any spilled material and used cleanup materials. Such spills shall be reported immediately to the Department of Ecology, Southwest Regional Office at (360) 407-6300 (24-hour phone number).

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2. Beach Nourishment

a) *Certification of the revetment extension project is contingent upon the implementation of the Beach Nourishment Plan specified in Attachment A of the Interagency Mitigation Agreement dated October 7, 1998).*

b) **Sediment Quality.** The sediments to be used for beach nourishment are to come primarily from the two reaches of the Grays Harbor navigation channel designated as the Entrance and South Reach. Dredged material from these reaches, as well as from the other outer reaches of the channel, has been sampled and analyzed according to guidelines and procedures prescribed in the Grays Harbor/Willapa Bay Dredged Material Evaluation Manual and found suitable for unconfined in-water disposal. Thus the dredged material from these reaches is deemed suitable for the beneficial purpose of beach nourishment. The Manual contains Recency/Frequency guidelines that provide for the periodic reassessment of the quality of sediments dredged from the navigation channel.

c) **Emergency Stockpile.** Per Attachment A of the Mitigation agreement, the project includes the provision for an upland stockpile of sand to be used in the case of sudden catastrophic erosion to the beach immediately adjacent to the revetment. A sufficient quantity of sand should be available to restore the beach to a condition suitable to isolate the revetment from the ordinary high water line. If restoration is necessary, it is particularly important that it be completed prior to the period of juvenile salmonid migration (March 1st through June 14th). The Corps/City of Westport shall take appropriate steps to insure that the stockpile is reserved for this use only and is re-supplied as necessary. *This requirement is one of the conditions of certification that shall remain in effect for the life of the (revetment) project.*

d) **Crab Mitigation.** Dungeness crabs killed by the placement of dredged material directly onto the beach shall be mitigated for in accordance with the Grays Harbor Dungeness Crab Mitigation Strategy Agreement. *This requirement is one of the conditions of certification that shall remain in effect for the life of the (revetment) project.*

3. Water Quality Modification.

a) The direct placement of dredged material on the Half Moon Bay beach may have water quality effects that will exceed the state water quality criteria specified in WAC 173-201A. Per Section 173-201A-110, the department may grant a Modification to the Standards to allow for exceedances of the criteria on a short-term basis when necessary to accommodate essential activities.

b) The project site is classified as Class AA marine waters and thus the criteria of that class apply except as specifically modified by this order. A dilution zone extending 300 feet radially from the approximate center of dredged material placement is considered to be reasonably sufficient to allow for temporary impacts resulting from direct beach nourishment. Within the

Order No. TB-98-02, Revised
August 30, 1999

dilution zone, the standard for turbidity is waived. All other applicable water quality standards shall remain in effect within the dilution zone and all water quality standards are expected to be met outside of the authorized dilution zone.

c) **Duration.** As a result of recent changes to the water quality standards (Chapter 173-201A WAC), "modifications to the standards" may be issued for indefinite periods of time. Thus the modification allowance for direct beach nourishment at Half Moon Bay is granted for the same duration as the water quality certification, *that being for the life of the project.*

The intent of a "modification to the standards" as a means to temporarily waive a water quality standard needs to be made clearer given the extended period of approval. The waiver of a water quality parameter (such as turbidity) within a specified dilution zone is intended only for brief periods of time (such as a few hours or a day) and is not an authorization to exceed the standard for the entire duration of construction. In no case does the waiver authorize degradation of water quality that might significantly interfere with or become injurious to characteristic water uses or cause long-term harm to the marine waters of Half Moon Bay. Also, the modification does not authorize any in-water work during closure periods specified by the Department of Fish and Wildlife.

A modification is also granted on condition that all reasonable and appropriate "best management practices" are being undertaken to reduce the impacts that may cause exceedances of the water quality standards.

4. Compensatory Mitigation for Unavoidable Wetland Fill.

a) To compensate for the loss of approximately 1.4 acres of palustrine dunal wetland, the Port of Grays Harbor has agreed to provide to the Corps of Engineers 2.8 acres of property located near Firecracker Point for the purpose of removing fill and restoring what was originally salt marsh habitat. The mitigation site is situated along the eastern edge of the large fill area located just to the south of the barge unloading facility at Firecracker Point. Included within the mitigation acreage is a fresh water wetted area that supports the only significant stand of woody vegetation on the site.

b) A more detailed Salt Marsh Restoration Plan shall be prepared for the proposed mitigation site and submitted to Ecology for review and approval prior to starting the salt marsh restoration work.

c) The primary purpose of wetland mitigation is to protect, in perpetuity, the functions and values of the wetland mitigation site, along with the rights and restrictions necessary to ensure that habitat and wetland functions and values continue. To this end, the Port of Grays Harbor (as land owner and sponsor) shall take appropriate action to insure the preservation of the salt marsh restoration site. The most common means for preserving a mitigation site involves a deed restriction or a conservation easement.

October 7, 1998

ENVIRONMENTAL COMPLIANCE.

The Corps does not anticipate that additional environmental compliance will be required for implementation of this mitigation plan. Periodic beach nourishment will be addressed in future Public Notices and Environmental Assessments for maintenance dredging of the Federally authorized navigation channel. In the event that further environmental compliance is necessary with regard to wetland mitigation, WDFW and Ecology agree to assist with this effort.

BEACH NOURISHMENT.

Description. The 1,900-foot extension of the Point Chehalis revetment will be constructed along the alignment shown on Figure 1. The majority of the structure is considerably landward of the foredune and beach face. The toe of the structure will be placed at elevation +4 feet mean lower low water (MLLW), with a top elevation of the structure at elevation +25 feet MLLW (see cross sections on Figure 2). An artificial dune will be constructed and maintained by backfilling and covering the revetment with excavated sand. The revetment is thus designed to become active only if the Half Moon Bay shoreline severely erodes during an extreme storm event and the revetment must serve as a "last line of defense" in the event Half Moon Bay were to experience severe erosion before periodic beach nourishment could be performed.

Periodic nourishment of the beach to maintain a stable beach profile of approximately 1 vertical on 60 horizontal (1V on 60 H) and to ensure that the toe of the revetment is not exposed is an integral part of the Point Chehalis revetment and South Jetty extension project plan. Of particular concern to the resource agencies is ensuring that the revetment toe is not exposed during the juvenile salmon out-migration period that begins on March 1 and ends on June 14. It has been agreed that periodic beach nourishment will be treated as a mitigation measure of the revetment extension project, as well as a measure to provide structural integrity to the toe of the revetment.

Mitigation. The Half Moon Bay shoreline will be periodically nourished with clean sand dredged during maintenance of the Federally authorized navigation channel. Beach nourishment will be performed so as to establish and maintain an approximate beach profile of 1V on 60 H and cover the area shown on Figure 3. The current beach slope (above elevation -10 feet MLLW) ranges from 1V on 20 H to 1V to 30 H. The primary source of nourishment material will be clean sand dredged during maintenance of the Federally authorized Entrance and South Reach channels. The anticipated schedule for periodic nourishment is shown on Table 1. The initial direct beach placement is scheduled for project year three, following construction of the revetment extension. Placement of approximately 460,000 cubic yards (CY) of maintenance dredged material on the beach and 680,000 CY of material by nearshore disposal, is scheduled over the first five years. Table 1 also shows that, after year 5, direct beach nourishment will be required at estimated four year intervals, leveling off at an estimated 100,000 CY by project year 18. By Year 16, nearshore disposal of dredged material will level off at an estimated 100,000 CY per year, as well.

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* TRANSACTION REPORT *
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P. 01

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October 7, 1998

Beach nourishment material will be placed on the beach above MHHW (above +9.0 feet MLLW) by hydraulic pipeline. No material will be placed between March 1 and June 14. Berms will be constructed to protect newly placed fill material from wave and tidal action, and may be constructed from existing beach material from within the fill limits. Following hydraulic placement of dredged material, the material shall be shaped to a uniform elevation and slope, generally as indicated on Figure 3.

Construction plans for maintenance dredging and hydraulic placement of dredged material on the beach shall be prepared by the Corps for each beach nourishment cycle and reflected in a Public Notice and in an Environmental Assessment prepared in conjunction with the maintenance dredging. The hydraulic pipeline will extend overland from the offloading facility located at Firecracker Point near the U.S. Coast Guard Station in Westport. The Corps has a permanent easement for the offloading facility and the pipeline right-of-way, both of which have recently been used for hydraulic placement of dredged material for beach nourishment at Half Moon Bay.

In the intervening years, maintenance dredged material will be placed in the Half Moon Bay nearshore environment by hopper dredge or bottom dump barge. The volume of material scheduled for placement in Half Moon Bay is designed to establish a sustainable beach profile of approximately 1V on 60 H so renourishment of the upper beach every fourth year will occur entirely above the mean higher high water (MHHW) contour (+9 feet MLLW) (see Figure 3). If conditions so warrant, the interval for periodic beach nourishment will be reevaluated and maintenance dredged material will be placed on the beach in a given year of need rather than placed in the Half Moon Bay nearshore environment. Extensive analysis clearly indicates that suitable material for either direct beach nourishment or nearshore disposal in Half Moon Bay will continue to be available on an annual basis in quantities that will ensure the desired beach profile and revetment toe protection can be achieved.

Beach Nourishment Stockpile. If winter storms have eroded sand from the toe of the revetment below elevation +10.0 feet MLLW, stockpiled sand will be placed against the toe of the revetment in the affected areas to correct the deficiency prior to the March 1 juvenile salmon migration period. Of particular concern to the resource agencies is erosion of beach sand along the toe of the revetment near the tie-in with the existing Point Chehalis revetment.

Sand will stockpiled behind the revetment extension, between stations 1+00 and 7+00 (see Figure 1), in the area disturbed by revetment construction. This area is presently largely unvegetated. Initially, surplus sand (estimated at between 10,000 and 30,000 CY) will be stockpiled and shaped to a uniform elevation and slope. To maintain a minimum stockpile of 20,000 CY, the stockpile will be replenished in conjunction with periodic beach nourishment.

Monitoring. Bathymetric and topographic surveys in Half Moon Bay will be conducted. Topographic surveys of the beach profile will be conducted at least every two years to monitor the beach profile. The surveys will determine any changes in the beach profile relative to the anticipated year five slope of 1V on 60 H and any deficiencies of sand covering the revetment (i.e., rock exposed below elevation +10 feet MLLW). The frequency of surveys and survey

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methods will depend on storm and erosion conditions and will reflect changing technology. Visual surveys will be routinely made by both City of Westport and Corps personnel, to monitor sand coverage of the revetment side slopes and toe. Annual aerial flight monitoring of Half Moon Bay will be conducted. Topographic surveys and aerial photographic coverage will be needed for the life of the project. Survey data will be analyzed by the Corps and provided to the resource agencies for their review. Survey results and the position of the +9 foot MLLW contour shown on Figure 3 will be used in coordination with the resource agencies to aid in determining the need for periodic beach nourishment relative to the schedule shown on Table 1.

Bathymetric surveys will continue to be conducted by the Corps in conjunction with nearshore placement of maintenance dredged material in Half Moon Bay. These surveys are conducted prior to and following nearshore disposal operations, to monitor the nearshore bathymetry and distribution of sand in Half Moon Bay. The anticipated schedule for both nearshore disposal and beach nourishment is shown on Table 1.

Estimated beach nourishment cost (including stockpile maintenance): \$2 million at year 3, \$1 million at year 7, decreasing to \$800,000 each cycle by year 15.

Estimated monitoring cost: To be performed as part of ongoing program of aerial and bathymetric surveys of Half Moon bay and the Grays Harbor navigation project.

WETLAND MITIGATION.

Description. A low-lying area within the back dunes where a portion of the proposed revetment will be constructed supports a palustrine emergent (dunal) wetland area approximately 6 acres in size (see Figure 4). The National Wetland Inventory (NWI) classification for this wetland is palustrine emergent/scrub shrub temporary tidal. Dominant plants are shore pine (*Pinus contorta*), willows (*Salix hookerana* and *S. exigua*), wax myrtle (*Myrica californica*), sedge (*Carex obnupta*), rush (*Juncus effusus*), and Pacific silverweed (*Potentilla anserina*). Elevated areas (mounds) within the wetland support Scotch broom (*Cystisus scoparius*), Himalayan blackberry (*Rubus procerus*), European dune grass (*Alymus arenarius*), rush (*J. effusus*), lovage (*Ligusticum scoticum*), and *Glehnia littoralis*. Animals observed in the wetland include deer, voles, gulls, crows, western goldfinch, and various shorebirds. The source of water supporting the wetland is believed to be a combination of rainwater and shallow groundwater, and possibly some ocean water that intrudes during high tide. The functions provided by the wetland are considered modest: some wildlife habitat use, slight stormwater detention, and groundwater recharge. Aerial photographs from early winter 1995 and in 1996 show that this area had minimal vegetation, with evidence of recent disturbance. However, vegetation at the time of the August 11, 1998 field review was relatively thick, indicating that vegetation in this area recovers in a relatively short period of time.

Construction of the revetment extension will result in the unavoidable filling of approximately 1.4 acres of this dunal wetland. Mitigation for the unavoidable loss of 1.4 acres of dunal wetland is required.

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Mitigation.

1. Estuarine Emergent Wetland (Salt Marsh) Restoration. To compensate for the unavoidable loss of the 1.4 acres of dunal wetland, a previous fill will be removed from Port of Grays Harbor property located south and west of the barge unloading facility at Firecracker Point and directly south of the U.S. Coast Guard Westport Station. Portions of a former dredged material disposal containment dike will be removed, as shown on Figure 5. Dike material (estimated at 16,000 CY) will be removed to about elevation +10 feet MLLW. The excavated material will be disposed of on an adjacent upland area, as indicated on the drawing. The fill removal area is 1,200 feet long by 100 feet wide, excluding an area vegetated by trees and shrubs. The existing trees and shrubs will be preserved as part of the mitigation plan. This fill removal will restore 2.8 acres of high value estuarine emergent salt marsh in the tidal estuary. Estuarine emergent wetlands are of high value and a high priority for restoration by Ecology, WDFW, and USFWS. Concurrent with construction of the revetment extension, the Corps will develop a salt marsh restoration plan in conjunction with the resource agencies. This plan will be included as a future appendix to this agreement. As recommended by Ecology staff, implementation of the salt marsh restoration plan will be by mutual agreement of the agencies, at a time of year chosen to maximize the success of the restoration.

A right-of-entry will be obtained from the Port of Grays Harbor to perform the work. Ownership of the property will be retained by the Port, and the Port agrees to preserve the wetland mitigation site in perpetuity.

2. Preserving Hydrology of Remaining Dunal Wetland. To ensure that the revetment extension does not change the hydrology of the remaining dunal wetland, a drainage barrier (either a clay layer or heavy plastic sheeting) will be installed as shown in the cross section drawing on Figure 4.

Monitoring. The restored salt marsh and the dunal wetland area landward of the revetment extension will be monitored at years 1, 2, 3, 5, 7, and 10 following wetland restoration and revetment construction, respectively. The purpose of monitoring will be to verify that there are no adverse hydrologic effects of the project on the remaining dunal wetland, and to document the progress of restoration of the salt marsh. Monitoring will consist of a site visit by a qualified wetland biologist, a vegetation transect, and interpretation of aerial flight photographs. A memorandum will be prepared by the Corps and submitted to the resource agencies for review. If the revetment is shown to adversely change the dunal wetland's hydrology, the technical committee will consider measures to mitigate for the additional loss.

Estimated construction cost: \$50,000.

Estimated monitoring cost: \$21,000 (\$3,500 x 6 times).

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REPLANTING UPLAND VEGETATION

Description. Portions of the revetment extension construction zone are vegetated with upland vegetation. Rush (*Juncus effusus*), dune grass (*Elymus mollis*), Himalayan blackberry (*Rubus procerus*), and Scotch broom (*Cystisus scoparius*) dominate the vegetation in this upland dune area. Approximately 70 percent of the upland area that will be impacted by revetment extension and dune creation is so vegetated. The remainder of the area is heavily used for public access and is not vegetated. Mitigation for the unavoidable loss of up to 4 acres of upland vegetation is required.

Mitigation. Removal or destruction of upland vegetation will be limited to that necessary for the construction of the revetment extension. The revetment extension will result in an unavoidable loss of 4 acres of vegetated dunal upland area. This 4-acre area will be replanted, including the side slopes of the completed revetment covered by sand. Species to be planted will include both native American dune grass (*Elymus mollis*) and rush (*Juncus effusus*). A planting plan will be developed by the Corps and submitted to the resource agencies for approval prior to replanting of upland vegetation.

Monitoring. The plantings will be monitored for success, with a performance measure of 80 percent survival after the 2nd year. Monitoring will consist of a site visit by a qualified wetland biologist, vegetation transect, and interpretation of aerial flight photographs. Monitoring will be conducted in the second year following planting. A memorandum will be prepared by the Corps and submitted to the resource agencies for review.

Estimated replanting cost: \$12,000.

Estimated monitoring cost: \$3,000.

INTERTIDAL HABITAT LOSS.

Description. The intertie between the existing Point Chehalis revetment and the proposed revetment extension, as originally designed and as described in the Public Notice, would have resulted in a loss of 45 lineal feet (215 square feet) of intertidal habitat (habitat below MHHW - i.e., below +9 feet MLLW) in Half Moon Bay. Intertidal habitat such as this is a valuable refuge area for juvenile salmon migrating from Grays Harbor to the Pacific Ocean. Juvenile salmon could be adversely impacted during their migration to the ocean if the beach profile in front of this portion of the revetment extension steepens or by having to migrate past additional rock face as they are forced to migrate through deeper water away from the sandy beach. Higher mortality from piscivorous, avian, or mammalian predators is the main concern.

Mitigation/Avoidance. Based upon resource agency concerns, the intertie has been redesigned to avoid the loss (see Figures 1 and 3). The revetment extension will not result in loss of intertidal habitat.

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REFERENCES.

Corps of Engineers. June 1997. *Evaluation Report - Long term Maintenance of the South Jetty at Grays Harbor, Washington*. Seattle District, U.S. Army Corps of Engineers, Seattle, Washington.

_____. September 1998. *Environmental Assessment: Extension of Point Chehalis Revetment, Grays Harbor Navigation Project, Westport, Washington*. Seattle District, U.S. Army Corps of Engineers, Seattle, Washington.

_____. August 13, 1998. Memorandum for Record: Field Review and Jurisdictional Summary for Point Chehalis O&M Revetment. Memorandum prepared by Cindy Barger, Biologist, Regulatory Branch, on the August 11, 1998 wetland delineation. Seattle District, U.S. Army Corps of Engineers, Seattle, Washington.

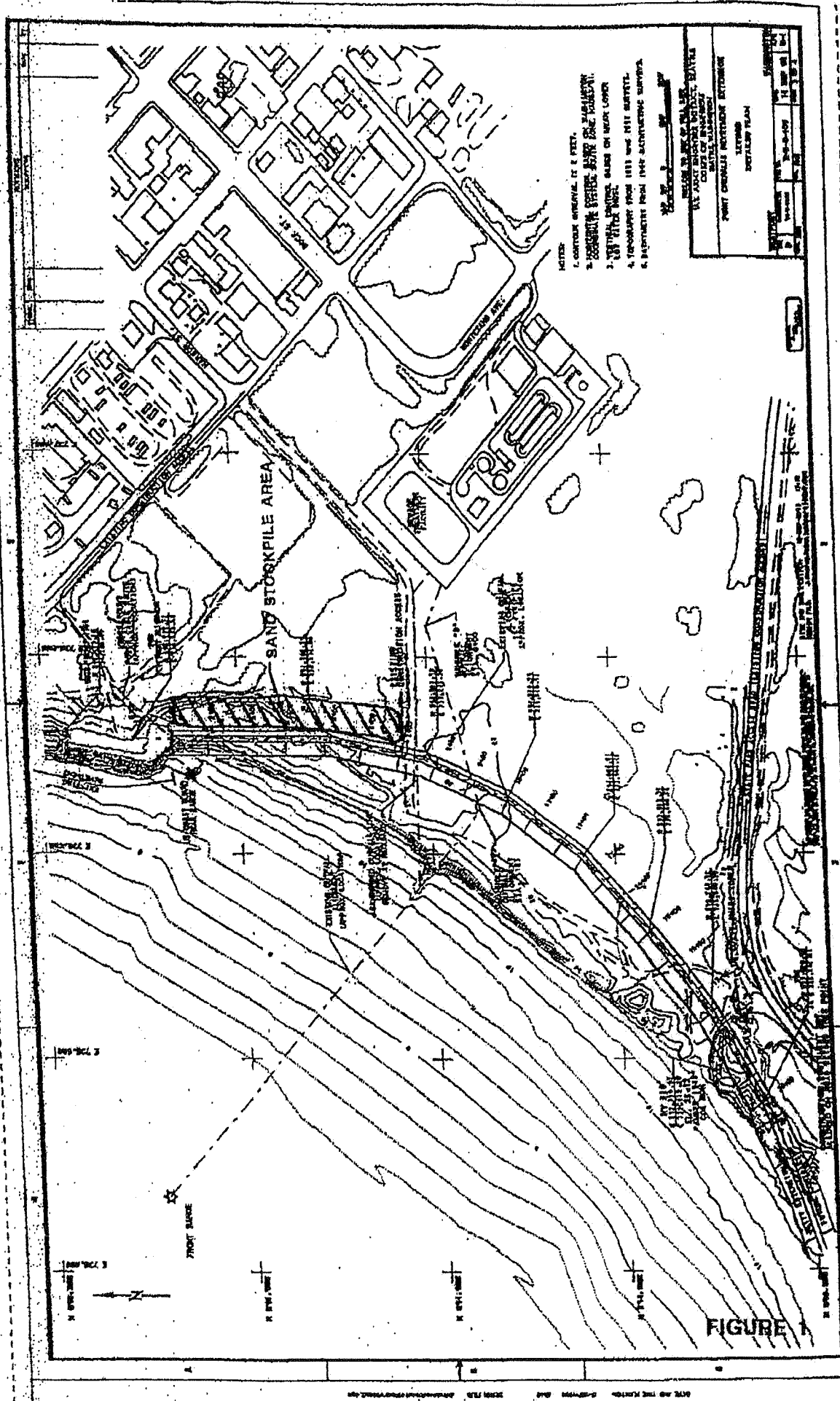
October 7, 1998

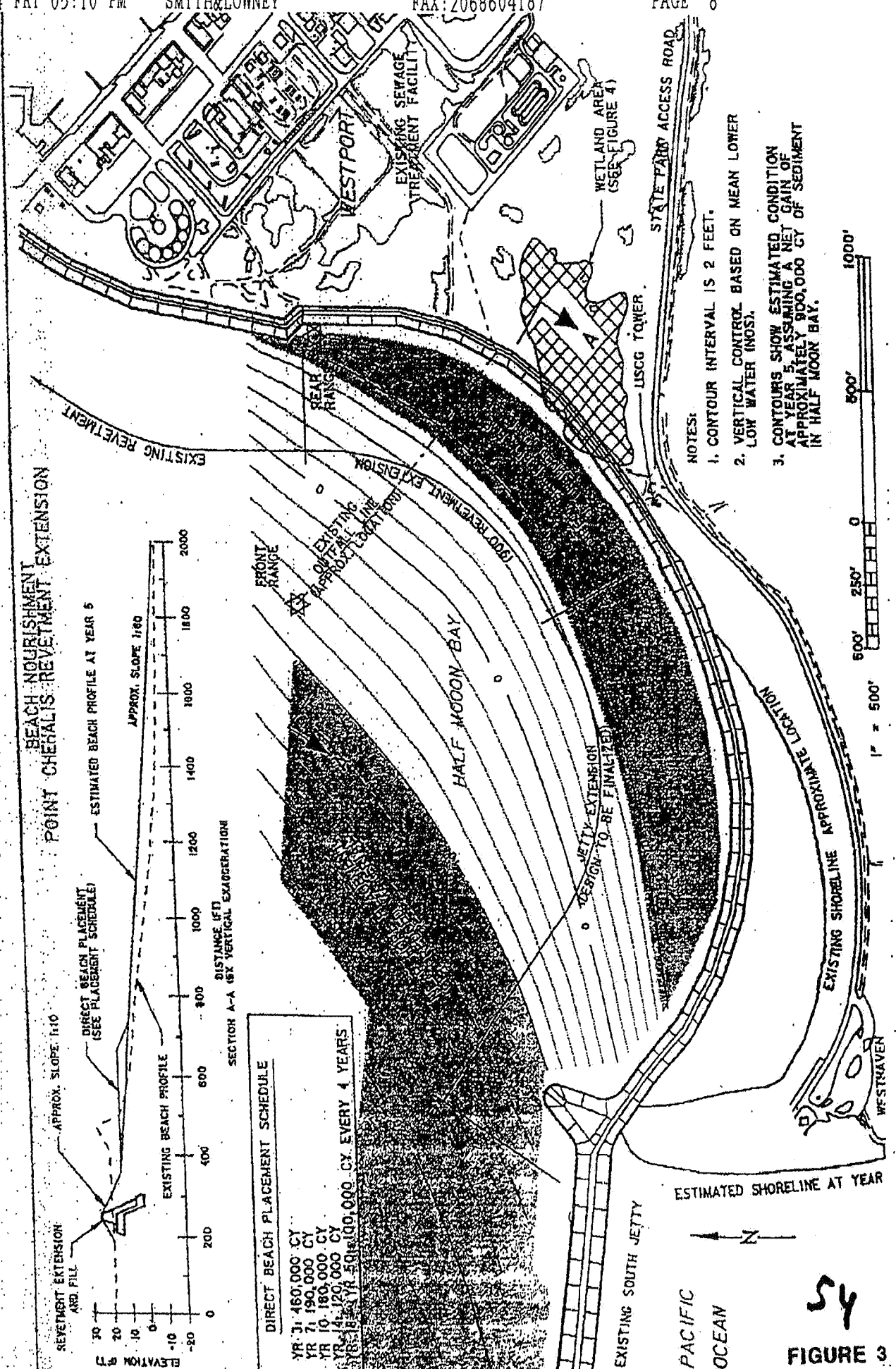
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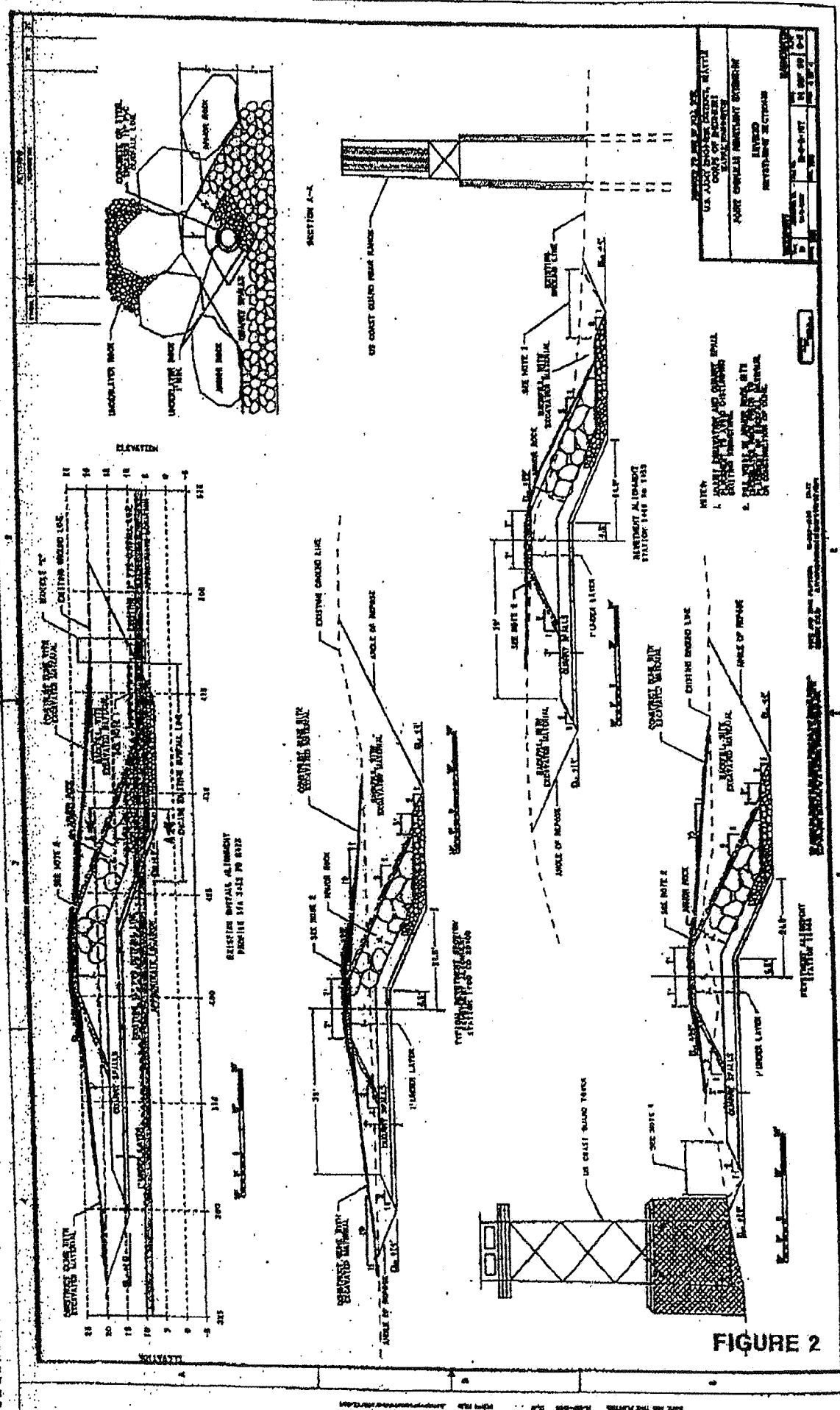
PROJECT PLANS

Point Chehalis Revetment Extension

Figure 1	Revised Detailed Plan
Figure 2	Revised Revetment Sections
Figure 3	Beach Nourishment
Figure 4	Palustrine Wetland Area
Figure 5	Wetland Mitigation Site
Table 1	Placement Schedule for Beach Nourishment and Nearshore Disposal







PALUSTRINE WETLAND AREA

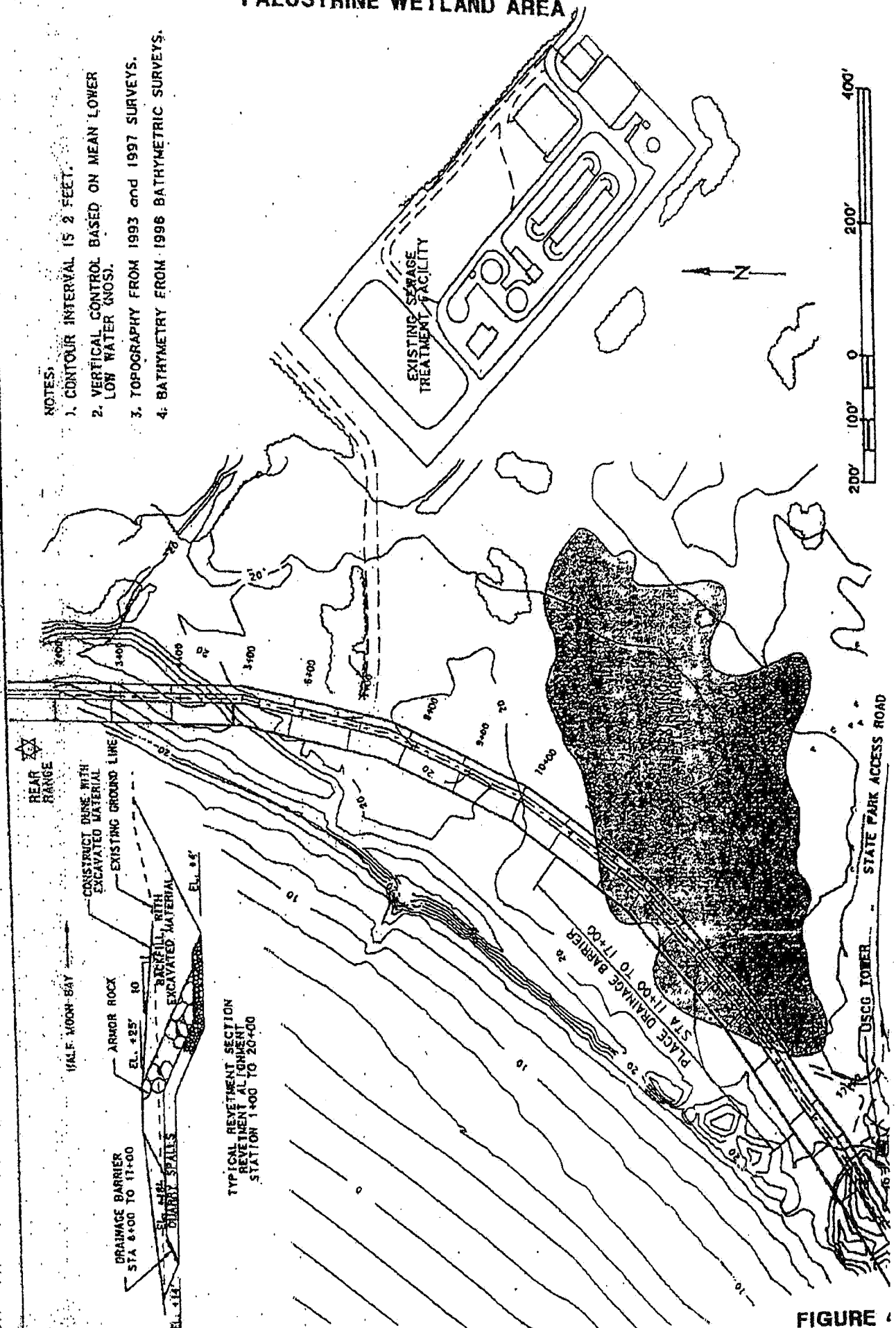


FIGURE 4

WETLAND MITIGATION SITE

SALT MARSH RESTORATION

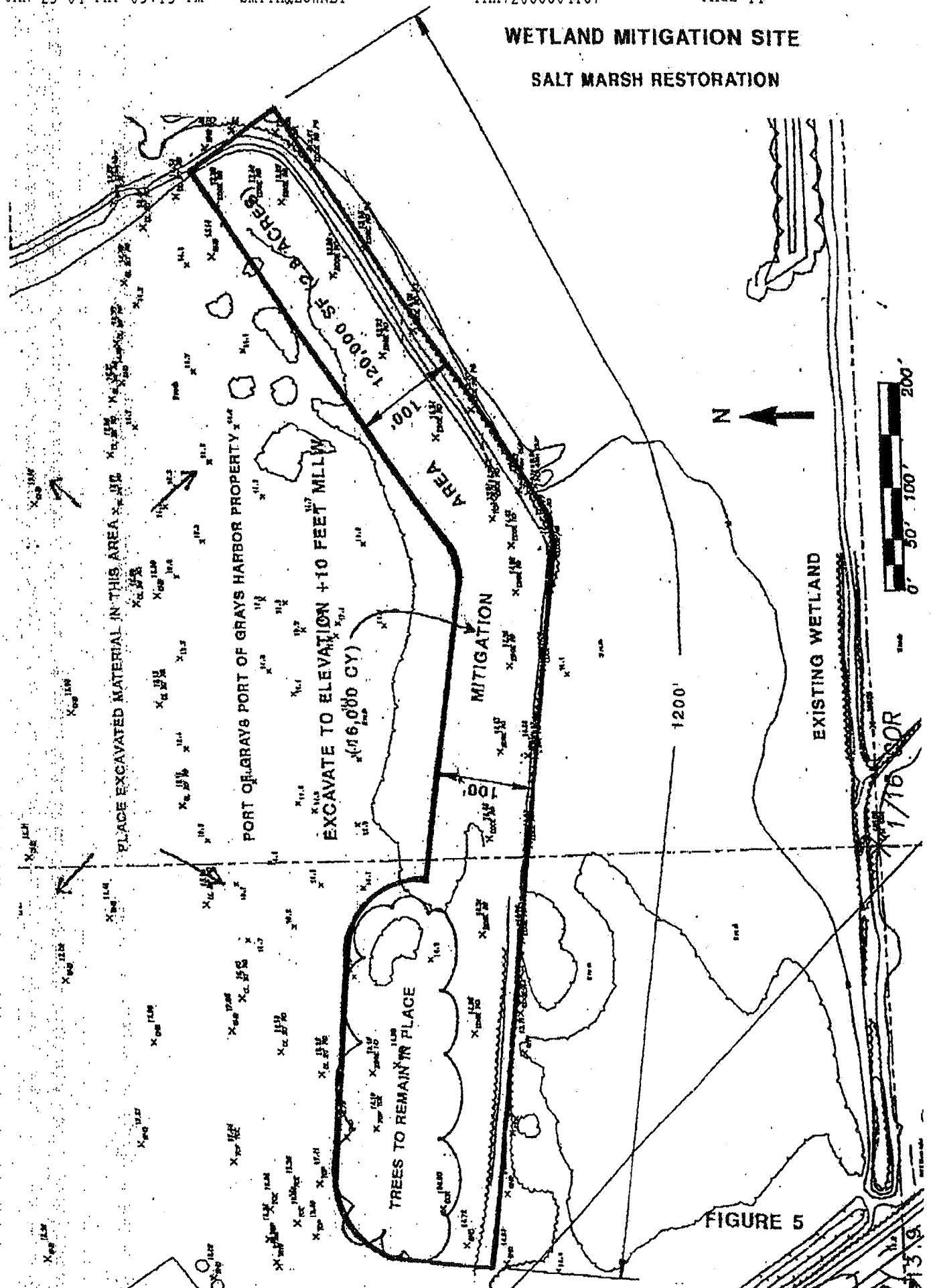


TABLE 1
PLACEMENT SCHEDULE FOR BEACH NOURISHMENT AND NEARSHORE DISPOSAL

SOURCE: SOUTH REACH CHANNEL					SOURCE: ENTRANCE CHANNEL					
YEAR	DESTINATION			SOUTH REACH TOTAL DREDGE VOLUME	DESTINATION			ENTRANCE TOTAL DREDGE VOLUME	HALF MOON BAY TOTAL PLACEMENT VOLUME	
	HALF MOON BAY		SOUTH JETTY		HALF MOON BAY		SOUTH JETTY			
	HALF MOON BAY DIRECT	HALF MOON BAY NEARSHORE			HALF MOON BAY DIRECT	HALF MOON BAY NEARSHORE				
	(CY)	(CY)	(CY)	(CY)	(CY)	(CY)	(CY)	(CY)	(CY)	
1	0	50,000	230,000	280,000	0	250,000	0	250,000	250,000	
2	0	10,000	230,000	240,000	0	240,000	0	240,000	240,000	
3	230,000	0	0	230,000	230,000	0	0	230,000	460,000	
4	0	0	220,000	220,000	0	220,000	0	220,000	220,000	
5	0	0	210,000	210,000	0	210,000	0	210,000	210,000	
6	0	0	200,000	200,000	0	0	200,000	200,000	0	
7	0	0	190,000	190,000	190,000	0	0	190,000	190,000	
8	0	0	180,000	180,000	0	180,000	0	180,000	180,000	
9	0	0	170,000	170,000	0	0	170,000	170,000	0	
10	0	0	160,000	160,000	160,000	0	0	160,000	160,000	
11	0	0	150,000	150,000	0	0	150,000	150,000	0	
12	0	0	140,000	140,000	0	140,000	0	140,000	140,000	
13	0	0	130,000	130,000	0	0	130,000	130,000	0	
14	0	0	120,000	120,000	120,000	0	0	120,000	120,000	
15	0	0	110,000	110,000	0	110,000	0	110,000	110,000	
16	0	0	100,000	100,000	0	100,000	0	100,000	100,000	
17	0	0	90,000	90,000	0	100,000	0	100,000	100,000	
18	0	0	80,000	80,000	100,000	0	0	100,000	100,000	
19	0	0	70,000	70,000	0	100,000	0	100,000	100,000	
20	0	0	60,000	60,000	0	100,000	0	100,000	100,000	
21	0	0	50,000	50,000	0	100,000	0	100,000	100,000	
22	0	0	40,000	40,000	100,000	0	0	100,000	100,000	
23	0	0	30,000	30,000	0	100,000	0	100,000	100,000	
24	0	0	20,000	20,000	0	100,000	0	100,000	100,000	
25	0	0	10,000	10,000	0	100,000	0	100,000	100,000	
26	0	0	0	0	100,000	0	0	100,000	100,000	
27	0	0	0	0	0	100,000	0	100,000	100,000	
28	0	0	0	0	0	100,000	0	100,000	100,000	
29	0	0	0	0	0	100,000	0	100,000	100,000	
30	0	0	0	0	100,000	0	0	100,000	100,000	
31	0	0	0	0	0	100,000	0	100,000	100,000	
32	0	0	0	0	0	100,000	0	100,000	100,000	
33	0	0	0	0	0	100,000	0	100,000	100,000	
34	0	0	0	0	100,000	0	0	100,000	100,000	
35	0	0	0	0	0	100,000	0	100,000	100,000	
36	0	0	0	0	0	100,000	0	100,000	100,000	
37	0	0	0	0	0	100,000	0	100,000	100,000	
38	0	0	0	0	100,000	0	0	100,000	100,000	
39	0	0	0	0	0	100,000	0	100,000	100,000	
40	0	0	0	0	0	100,000	0	100,000	100,000	
41	0	0	0	0	0	100,000	0	100,000	100,000	
42	0	0	0	0	100,000	0	0	100,000	100,000	
43	0	0	0	0	0	100,000	0	100,000	100,000	
44	0	0	0	0	0	100,000	0	100,000	100,000	
45	0	0	0	0	0	100,000	0	100,000	100,000	
46	0	0	0	0	100,000	0	0	100,000	100,000	
47	0	0	0	0	0	100,000	0	100,000	100,000	
48	0	0	0	0	0	100,000	0	100,000	100,000	
49	0	0	0	0	0	100,000	0	100,000	100,000	
50	0	0	0	0	100,000	0	0	100,000	100,000	
TOTALS	230,000	60,000	2,990,000	3,280,000	1,390,000	3,970,000	910,000	6,270,000	6,640,000	

Order No. TB-98-02, Revised
August 30, 1999

5

An example of a deed restriction acceptable to the department is provided in Enclosure 1. Once finalized, the deed restriction or conservation easement shall be filed with (the local assessor's office) with a copy provided to the department, ATTN: Rick Vining

d) **Enforcement.** To monitor the successful accomplishment of restrictions placed on the deed or conservation easement for the mitigation site, the following actions may be taken by the department:

- 1) To enter upon the mitigation site at reasonable times and upon reasonable notification to the owner in order to monitor compliance with and otherwise enforce the terms of the deed restrictions.
- 2) To prevent any activity on or use of the mitigation site that is inconsistent with the deed restrictions and to require restoration of such areas or features of the site if damaged by any inconsistent activity or use.
- 3) To recover any costs incurred by the department in enforcing the terms of the deed restriction, including without limitation, costs of the suit and attorneys' fees and any costs of restoration necessitated by the violation of the terms of the deed restriction.

5. **HPA Letter of Approval.** The following referenced provisions contained in the HPA "letter of approval" submitted by the Department of Fish and Wildlife (Enclosure 2) are included as conditions of this Order: Provision Number 1, 8 through 14, 19, 20, 21, 24 through 28, and 30. Some of the other provisions have been incorporated into the main text of this certification.

6. **Other Requirements.**

- a) Copies of this Order shall be kept on the job site and readily available for reference by the Corps of Engineers, Ecology personnel, the contractor, and other appropriate state and local government inspectors.
- b) The Department of Ecology, Environmental Coordination Section retains jurisdiction to make modifications hereto through supplemental order, if it appears necessary to protect the public interest during the construction and monitoring of this project.
- c) The Corps or designated contractor shall notify the department at least 14 days prior to the scheduled start of construction. The contact person is Rick Vining at (360) 407-6944.
- d) This certification does not exempt and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.

Order No. TB-98-02, Revised
August 30, 1999

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e) The permittee (Corps) shall be considered out of compliance with this certification if:

1. the project is constructed and/or operated in a manner not consistent with the project description contained in the Public Notice.
2. five years elapse between the date of the issuance of this certification and the start of construction and/or discharge for which the federal permit is being sought; however, the expiration date may be extended by the department at the request of the permittee.
3. the information contained in the Public Notice is voided by subsequent submittals to the federal agency, in which case the permittee must reapply for certification with the updated information.

7. **Penalties.** Failure to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.

8. **Appeal Process.** Any person aggrieved by this Order may obtain review thereof by appeal. The applicant can appeal up to thirty (30) days after receipt of this Order, and all others can appeal up to thirty (30) days from the postmarked date of this Order. The appeal must be sent to the Washington Pollution Control Hearings Board, PO Box 40903, Olympia WA 98504-0903. Concurrently, a copy of the appeal must be sent to the Department of Ecology, Enforcement Section, PO Box 47600, Olympia WA 98504-7600. These procedures are consistent with the provisions of Chapter 43.21B RCW and the rules and regulations adopted thereunder.

Dated 8-30-99 at Lacey, Washington



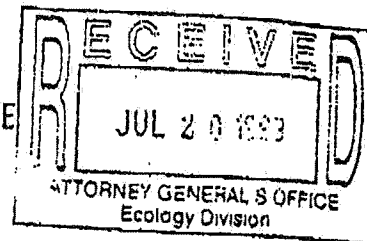
Paula Ehlers, Supervisor
Environmental Coordination Section
Shorelands and Environmental Assistance Program
Department of Ecology

Pollution Control Hearings Board
Shorelines Hearings Board
Forest Practices Appeals Board
Hydraulics Appeals Board



STATE OF WASHINGTON
ENVIRONMENTAL HEARINGS OFFICE

4224 - 6th Avenue SE, Bldg. 2, Rowe Six
P.O. Box 40903, Lacey, WA 98504-0903



(360) 459-6327
(FAX) (360) 438-7699
E-Mail: EHO@EHO.WA.GOV

July 15, 1999

Knoll D. Lowney
SMITH & LOWNEY
1108 Smith Tower
506 Second Avenue
Seattle WA 98104

Tanya Barnett
Assistant Attorney General
Department of Ecology
PO Box 40117
Olympia WA 98504-0117

Ronald S. Marsh
Asst. District Counsel
Department of the Army
Seattle District Corps of Engineers
PO Box 3755
Seattle WA 98124-2255

RE: PCHB NO. 98-257
SURFRIDER FOUNDATION; WASHINGTON STATE CHAPTER v. ECOLOGY
And US ARMY CORPS OF ENGINEERS

Dear Parties:

Enclosed is the Stipulation and Agreed Order of Dismissal in this matter.

If you have questions, please do not hesitate to call.

Sincerely yours,

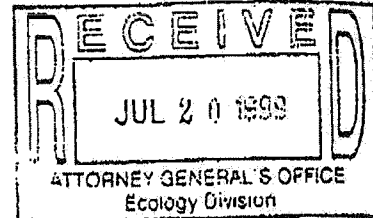
Ann Daley
Presiding

AD/jg/surfrider
Cc: Leann Ryser - Ecology
enc.

CERTIFICATION

On this day, I forwarded a true and accurate copy of
the documents to which this certificate is affixed via
United States Postal Service postage prepaid to the attorneys
of record herein.

I certify under penalty of perjury under the laws of the
State of Washington that the foregoing is true and correct.
DATED July 15, 99 at Lacey, WA.



POLLUTION CONTROL HEARINGS BOARD

SURFRIDER FOUNDATION,
WASHINGTON STATE CHAPTER,

Appellant,

v.

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY; and
UNITED STATES ARMY CORPS OF
ENGINEERS,

Respondents.

NO. 98-257

STIPULATION AND AGREED
ORDER OF DISMISSAL

STIPULATION

The Parties to this matter hereby stipulate as follows:

1. On October 2, 1998, the State of Washington, Department of Ecology (Ecology) issued to the U.S. Army Corps of Engineers (Corps) a water quality certification under § 401 of the Clean Water Act in the form of Order No. TB-98-02. The certification pertained to the Corps' proposal to extend the Point Chehalis revetment near Westport, Washington. The Corps had submitted to Ecology a Coastal Zone Management Act (CZMA) consistency determination for the same project on August 27, 1998. Ecology took no action on the determination within the time allowed by federal law.

2. Appellant Surfrider Foundation, Washington State Chapter appealed Ecology's issuance of the § 401 certification and its failure to take action on the CZMA consistency determination to the Pollution Control Hearings Board on November 2, 1998.

STIPULATION AND AGREED ORDER
OF DISMISSAL

ATTORNEY GENERAL OF WASHINGTON
Ecology Division
PO Box 40117
Olympia, WA 98504-0117
FAX (360) 438-7743

3. To avoid the costs and uncertainties of litigation, the Parties agree to resolve this appeal in the following manner:

a. By July 30, 1999, Ecology will amend Order No. TB-98-02 to:

(1) Require the Corps to comply with the Mitigation Plan for the Point Chehalis Revetment Extension, Westport, Washington, dated October 7, 1998, as a condition of the § 401 certification. The Mitigation Plan will be attached to, and incorporated by reference into, Order No. TB-98-02. Ecology will make clear that the Corps' obligation to comply with the Mitigation Plan is not contingent on its receipt of funding. This does not constitute a waiver by the Corps that its obligations under the Mitigation Plan are subject to the provisions of the Anti-Deficiency Act, 31 U.S.C. § 1341, nor does it constitute a waiver by Ecology that the Corps' obligations under the Mitigation Plan are not subject to the Anti-Deficiency Act.

(2) Extend the duration of the Order, including the water quality modification granted in the Order, for the life of the Point Chehalis Revetment Extension project.

b. Ecology will adopt the following policy and procedure documents, each of which is attached to this Stipulation:

(1) Procedures for coordinated 401/CZM implementation (November 16, 1998) (2 pages);

(2) Procedures/Federal Consistency/General Process (November 16, 1998) (2 pages); and

(3) Procedures/Federal Consistency/Direct Federal Actions (Corps, Coast Guard, Navy, BPA etc.) (November 16, 1998) (2 pages).

c. Ecology is currently reorganizing and updating its Coastal Zone Management Program Document. No later than December 31, 1999, Ecology will provide the Surfrider Foundation, Washington State Chapter with a copy of its proposed changes to the Program Document, and an opportunity to comment on those changes. In the future, Ecology will review its Program Document to determine whether substantive changes are necessary. If it decides that

1 substantive changes are necessary, Ecology will convene a workgroup to assist in making those
2 changes, and will invite the Surfrider Foundation and other stakeholders to participate in the
3 workgroup.

4 4. This Stipulation fully resolves this appeal. Therefore, the Parties request that the
5 Board enter the attached Order of Dismissal.

6 DATED this 9th day of July, 1999.

7 CHRISTINE O. GREGOIRE
8 Attorney General

9 Tanya Barnett
10 TANYA BARNETT, WSBA #17491
11 Assistant Attorney General
12 Attorney for Respondent
13 Department of Ecology

Ronald S. Marsh
RONALD S. MARSH
Assistant District Counsel
Attorney for Respondent
U.S. Army Corps of Engineers

14 Knoll D. Lowney
15 KNOLL D. LOWNEY, WSBA #23457
16 Attorney for Appellant
17 Surfrider Foundation

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STIPULATION AND AGREED ORDER
OF DISMISSAL

3

ATTORNEY GENERAL OF WASHINGTON
Ecology Division
PO Box 40117
Olympia, WA 98504-0117
FAX (360) 434-7740

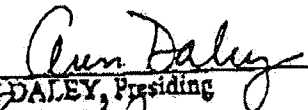
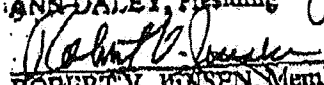
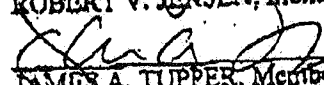
JUL-09-1999 FRI 02:37 PM ATTY GENERAL ECOLOGY DIV FAX NO. 3004301143

AGREED ORDER OF DISMISSAL

Having reviewed the foregoing Stipulation and the file and pleadings herein, and it appearing that the parties have reached an agreement;

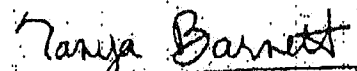
IT IS HEREBY ORDERED that the foregoing Stipulation is entered as an Order of this Board, and this case, *Surfrider Foundation, Washington State Chapter v. State of Washington, Department of Ecology and U.S. Army Corps of Engineers*, PCHB No. 98-257, is hereby DISMISSED with prejudice.

DATED this 5th day of July, 1999.



ANN DALEY, Presiding

ROBERT V. JENSEN, Member

JAMES A. TUPPER, Member

Presented by:

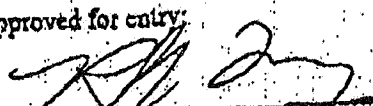
CHRISTINE O. GREGOIRE
Attorney General


TANYA BARNETT, WSBA #17491
Assistant Attorney General
Attorney for Respondent
Department of Ecology

Approved for entry:


RONALD S. MARSH
Assistant District Counsel
Attorney for Respondent
U.S. Army Corps of Engineers

Approved for entry:


KNOLL D. LOWNEY, WSBA #23457
Attorney for Appellant
Surfrider Foundation

STIPULATION AND AGREED ORDER
OF DISMISSAL

ATTORNEY GENERAL OF WASHINGTON
Ecology Division
PO Box 40117
Olympia, WA 98504-0117
FAX (360) 488-7723


October 7, 1998

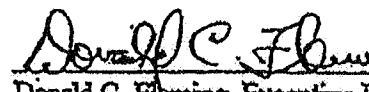
**POINT CHEHALIS REVETMENT EXTENSION PROJECT
WESTPORT, WASHINGTON
INTERAGENCY MITIGATION AGREEMENT**

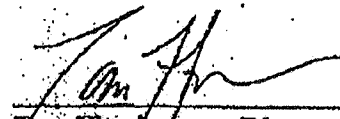
PURPOSE. The purpose of the attached mitigation plan is to establish an interagency partnership for addressing fish and wildlife mitigation issues related to the Point Chehalis revetment extension project at Westport, Grays Harbor County, Washington.


RESPONSIBILITIES. The U.S. Army Corps of Engineers (Corps) agrees to fund the mitigation, as described in the attached mitigation plan (Attachment A) and project plans (Attachment B), or as modified by mutual agreement of the parties to this agreement. Sufficient funding is believed to be available for implementation of the wetland mitigation and replanting of upland vegetation. Funding for the other items in the mitigation agreement is anticipated to come from the Grays Harbor navigation project operations and maintenance annual budget appropriations. All the items set forth in the mitigation agreement are subject to availability of funds for this purpose.


The Washington Department of Ecology, Washington Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and Port of Grays Harbor agree to assist the Corps of Engineers in implementing project-related mitigation by participating on a technical committee which will review performance of the mitigation measures. The Port of Grays Harbor agrees to grant a right-of-entry without cost to the Corps of Engineers, to allow wetland mitigation work on Port-owned lands identified in this Agreement. The Port of Grays Harbor further agrees to preserve the salt marsh wetland mitigation site, by deed restriction, conservation easement, or other legal instrument, in perpetuity.

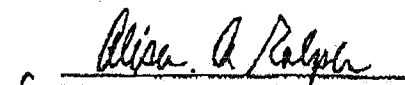
 19 Oct 98
James M. Rigsby (date)
Colonel, U.S. Army Corps of Engineers
District Engineer, Seattle District

 21 Oct 98
Donald C. Fleming, Executive Director (date)
Port of Grays Harbor


Tom Fitzsimmons, Director (date)
Washington Department of Ecology

 11/9/98
Sara LaBorde, Regional Director (date)
Washington Department of Fish and Wildlife


Barclay Barker (Mayor) (date)
City of Westport

 12/3/98
Nancy J. Gloman, Acting Supervisor (date)
U.S. Fish and Wildlife Service

55

October 7, 1998

ATTACHMENT A**MITIGATION PLAN****Point Chehalis Revetment Extension, Westport, Washington****PURPOSE.**

The mitigation plan, as described below, was developed to facilitate the resolution of fish and wildlife resource issues relating to the project by the U.S. Army Corps of Engineers (Corps) to extend the Point Chehalis revetment at Westport, Washington, to prevent further erosion of Half Moon Bay and to protect public facilities landward of the shoreline. Several resource agencies, including the Washington Department of Ecology (Ecology), Washington Department of Fish and Wildlife (WDFW), and U.S. Fish and Wildlife Service, requested the development of a fish and wildlife mitigation plan for the project. This mitigation plan is intended to satisfy that condition and has been jointly developed by the Corps, Port of Grays Harbor, City of Westport and the above named resource agencies.

BACKGROUND.

The Point Chehalis revetment extension project has undergone a number of refinements to improve its effectiveness and to avoid and minimize adverse fish and wildlife impacts, since it was originally proposed. The mitigation plan is based on the Corps' current design of the Point Chehalis revetment extension, as shown in the attached project and mitigation drawings (see Attachment B). Future project elements involving erosion associated with the Grays Harbor South Jetty and Half Moon Bay, including future extension or modification of the South Jetty, will require development of a separate mitigation plan or an amendment to this mitigation plan.

The project that this mitigation plan addresses includes:

1. A 1,900-foot-long rock extension of the Point Chehalis revetment; and
2. Periodic beach nourishment of the Half Moon Bay shoreline using sand dredged during maintenance dredging of the Federally authorized navigation channel.

ISSUES OF CONCERN.

The issues of concern specifically addressed in this mitigation plan are:

1. Maintenance of beach profile and exposure of buried revetment toe;
2. Wetland impacts;
3. Replanting of disturbed upland vegetation; and
4. Intertidal habitat loss at revetment intertie with existing Point Chehalis Revetment.

Arden, Hiram T NWS

From: Knoll Lowney [knoll@igc.org]
Sent: Thursday, January 15, 2004 2:48 PM
To: Hiram Arden
Cc: greg
Subject: Half Moon Bay sand project

Mr. Arden.

I am writing on behalf of Waste Action Project, a not for profit organization. WAP has asked to join in the comments submitted by Friends of Grays Harbor on the 21-day notice and also any comments FOGH submits on the Environmental Assessment, FONSI, and CZMA, including those submitted yesterday and others to be submitted next week. Like FOGH, WAP believes that an EIS is required before any additional projects are undertaken in Half Moon Bay.

Thank you,
Knoll Lowney
Attorney for Waste Action Project.

Knoll D. Lowney
Smith & Lowney PLLC, Attorneys at Law
2317 E. John St.
Seattle, WA 98112
(206) 860-2883; fax 860-4187
knoll@igc.org

CONFIDENTIALITY NOTE: This e-mail message may be privileged, confidential and/or protected from disclosure. The information is intended only for the use of the individual or entity named above. If you think that you have received this message in error, please e-mail the sender. If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited.

1/16/2004

Letter 13

Arden, Hiram T NWS

From: Waypoint [waypoint@techline.com]
Sent: Wednesday, January 14, 2004 6:42 PM
To: Arden, Hiram T
Subject: U.S. Army Corps of Engineers - Reference # CENWS-OD-TS-NS-21R

Dear Sir,

I am writing to put forth my approval of the Corps of Engineers to proceed with the proposed project of sand fill to extend the life of the breach at Half Moon Bay in Westport, WA. until a long term solution is formulated. The proposed project is a short term measure, but local, State and Federal regulations and concerns have been fully addressed and a full breach by doing nothing would be economically and environmentally devastating to Westport and Grays Harbor County.
Go forth with the proposed project.

Sincerely,
Terry Veitz, Mayor
Ocean Shores, WA 98569

Terry Veitz
Waypoint, Inc.
P.O. Box 2015
Ocean Shores, Wa 98569
(360)289-0404

1/15/2004

Letter 14 11

Arden, Hiram T NWS

From: Randy Lewis [cityadmn@techline.com]
Sent: Wednesday, January 14, 2004 7:03 PM
To: Arden, Hiram T NWS
Subject: CENWS-OD-TS-NS-21R

The following comments are being submitted by the City of Westport in response to the above notice. The City of Westport strongly supports the proposed placement of clean sand along the rapidly eroding shoreline of Half Moon Bay in the area of the breach fill that was previously placed by the Corps. We will be providing comments on the Environmental Assessment that was submitted on this proposal separately.

The impacts of the proposed project will be insignificant. The current proposal is in reality a rehandling project. The source of the fill material is a stock pile of sand that has been dredged from the entrance channel located adjacent to the South Jetty and Half Moon Bay. Much of that material has eroded from the breach fill area of Half Moon Bay, so the net result is that at least a portion of the fill will be returned to the area it came from. The greatest impact of the current proposal will be the loss of access to the parking area of the state park, and walking areas of the trail and adjacent dunes where the sand will be built up in a stock pile. Without this action being taken, all of these areas will erode away, which will result in a permanent impact.

The City of Westport is very disappointed that the Corps has been unable to complete the necessary review and permitting for the previously proposed placement of Gravel/Cobble material in this same area. While there has been a great deal of discussion and speculation about the potential benefits and impacts of the various options for stabilizing the shoreline as proposed, one thing is certain. The impact of a no action alternative has been demonstrated clearly. Since the original public notice was published in June, approximately 28,000 square feet of shoreline area has been lost. All of this area is within the footprint of the original breach fill placed in 1993. This has resulted in the loss of habitat, the loss of access to the western beach of Half Moon Bay, especially by persons with disabilities who used the fully accessible trail in the area, and environmental damage from the destruction of adjacent infrastructure, and the uncovering of debris from previous Corps projects. The lack of appropriate action by the Corps and the resulting loss of area has threatened access to the Jetty by the Corps, and U. S. Coast Guard who previously commented concerning their use of the area during operations. With each storm, the breach fill area is reduced, increasing the potential for a rebreach to occur. While that may not currently be eminent, the area is continually eroding and has previously experienced severe conditions which have moved faster than the Corps could respond to, resulting in emergency declarations.

The erosion that is currently being experienced along the western shore of Half Moon Bay is directly related to the Corps previous actions included in the South Jetty Project, including the construction of a diffraction mound and gravel transition, and the removal of the remnant portion of the South Jetty. The design of the first two projects were modified based upon philosophical, not technical concerns of regulatory agencies during the permitting process. The removal of the remnant jetty was required as mitigation for the other two projects. The combined performance of these actions has been greatly compromised by the above changes, and have directly contributed to the increased erosion rate in the relatively limited area of the currently proposed sand placement project.

As stated in the notice, this project is an interim measure intended to stabilize the shoreline within the project area until a long term solution is identified. Numerous comments were made concerning the need for a complete environmental assessment and review, solid technical study and analysis, with input from agencies and concerned individuals included throughout the process. The City of Westport supports that concept. Unfortunately the current situation threatens to undermine that process. Common sense indicates it will be very difficult to analyze the pros and cons of various alternatives on an area that is constantly changing. This will greatly increase the uncertainty of the success of the proposed alternatives and could lead to incorrect assumptions. The development of a long term solution and the completion of the required review and permitting could take several years. The Corps has been unsuccessful in completing the current proposal after almost a year of work. Without the proposed action by the Corps, the area of the breach fill will continue to erode and will almost undoubtedly reach a critical state requiring the Corp to take emergency action. That action will again change the shoreline of Half Moon Bay, and will have impacts to the progress of the long term study.

Since October, the City of Westport, in an attempt to prevent the loss of public infrastructure in the area adjacent

to proposed sand fill, including public utilities, and a City owned walking trail, has placed clean sand and ecology blocks in an attempt to protect our trail. Our project was taken as an interim measure in anticipation the Corps would complete the proposed gravel placement in late October. We understand that concerns have been raised by some of the agencies concerning removal of the blocks. We are required by the Hydraulics Project Approval issued by the Washington State Department of Fish and Wildlife to remove the blocks no later than February 14. Our project is not the subject of the current notice. The City is responsible for the removal of the blocks, and we will coordinate that removal so as not to impact progress on the placement of the sand fill as proposed.

The City is also concerned about the Corps' commitment to maintenance of the proposed sand placement. As identified in the previously published Environmental Assessment, the sand fill will not stabilize the beach as well as the previously proposed gravel/cobble material, and will require periodic renourishment. Without periodic renourishment until a long term solution is in place, the sand placement as proposed will have little benefit. Again, the footprint of the current fill proposal is less than the shoreline that was in place in September. There is no way, based upon the conditions experienced in the last several years, that periodic renourishment won't be required.

Thank you for the opportunity to comment on this project.

Randy Lewis
City Administrator
City of Westport



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Western Washington Fish and Wildlife Office
510 Desmond Dr. SE, Suite 102
Lacey, Washington 98503



JAN 16 2004

Colonel Debra M. Lewis
District Engineer
Seattle District, Corps of Engineers
P.O. Box 3755
Seattle, Washington 98124-3755
Attn: Hiram Arden(OD-TS-NS)

Dear Colonel Lewis:

Subject: Public Notice CENWS-OD-TS-NS-21R; Placement of Sand, South Jetty Breach
Fill Maintenance, Westport Washington

Thank you for the opportunity to comment on the Corps of Engineers' (Corps) proposed action to place 25,000 cubic yards of sand at two locations along the shoreline of Half Moon Bay, adjacent to the Grays Harbor South Jetty in Grays Harbor County, Washington. The proposed action is described as an interim measure to stabilize the Half Moon Bay shoreline and reduce the risk of another breach from occurring until a long-term solution can be developed and implemented. The proposed work would occur in January - February, 2003, with the in-water work accomplished prior to February 14, 2003.

x 4
x 4

The following comments and recommendations are being provided pursuant to the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661, et seq.). Endangered Species Act consultation on this project has been completed.

In the U.S. Fish and Wildlife Service's (Service) August 29, 2003, letter responding to the Corps' earlier proposal to place gravel and cobble on the shoreline, we expressed our concern over the cumulative hardening of the shoreline and the potential for it to subsequently change the fish and wildlife usage and value of the Half Moon Bay shoreline. We also recommended that the Corps use sand, instead of gravel and cobble, to augment the Half Moon Bay shoreline so that the existing character of the beach is maintained until a long-term solution can be developed and implemented.

cf: Kinney, ERS

TAKE PRIDE[®]
IN AMERICA 

Letter 16

Colonel Debra M. Lewis

2

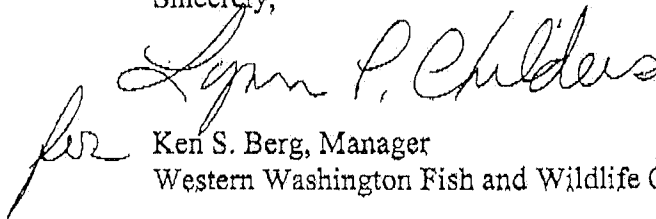
It is our understanding that an October 2003 storm resulted in additional erosion to the Half Moon Bay shoreline, and in response, the City of Westport placed several rows of ecology blocks to protect the side walk and access road to Westhaven State Park. If the ecology blocks are allowed to remain on a long-term basis, we believe it will lead to the cumulative hardening of the shoreline and adverse impacts to the wildlife that utilize the beach. It is our understanding based on discussions with Corps staff with regard to the section 7 consultation for this project that the ecology blocks would be removed by the City of Westport concurrent with the Corps' placement of sand.

The Service does not object to the proposed work, providing the placement of sand on the Half Moon Bay shoreline does not negatively affect the City of Westport's ability to fulfill its obligation to remove the ecology blocks by February 15, 2004, as required by its Hydraulic Project Approval.

The current proposal is considered an interim measure that will provide some lead time to develop a long-term solution. We request that the Corps' development of the long-term solution to the erosion problem at Half Moon Bay involve the participation of the federal and State resource agencies and other stake holders in the early development phase of the planning process. We believe the limited or lack of success of the various shoreline protection measures that have been implemented since 1993, indicates the interaction of waves, currents, and sediment with the shoreline and existing structures is highly complex, and warrants the full consideration and evaluation of a wide range of alternatives.

We look forward to working with the Corps on developing a long-term solution that both addresses the shoreline erosion problem at Half Moon Bay and adequately protects the fish and wildlife resources of the area. Please contact Gwill Ging at (360) 753-6041, if you have questions.

Sincerely,



Ken S. Berg, Manager
Western Washington Fish and Wildlife Office

cc:

EPA (J. Barton)
NOAA Fisheries (J. Stadler)
WDFW (B. Burkle)
WDOE (H. Pressley)



City of Westport

740 N. Montesano • P.O. Box 505 • Westport, WA 98595 • ci.westport.wa.us

January 16, 2004

Brian Missildine
US Fish and Wildlife Service
Western Washington Wildlife Office
510 Desmond Drive SE
Lacey, WA 98503

RE: Removal of Ecology Blocks

Dear Brian:

This letter is in response to the voice mail message you left asking for confirmation of the City of Westport's intentions concerning the ecology blocks located near the state park in Half Moon Bay. These blocks were placed in October, along with sand and filter fabric, in an attempt to prevent damage to the City's trail and adjacent park facilities and corresponding environmental impacts to Half Moon Bay.

The City of Westport currently has a Hydraulic Project Approval (HPA) issued by the Washington State Department of Fish and Wildlife that requires us to remove the blocks no later than February 14, 2004. The City will comply with our responsibilities under the HPA. Our plan was never for the blocks to be in place as long as they have been. The Corps of Engineers inability to successfully permit and implement an interim measure to stabilize the shoreline until a long term solution can be identified and implemented has led to the current situation. We are obviously aware of the Corps current proposal for the placement of sand in the area of our ecology blocks. If that project is constructed, the City will ensure the blocks are removed so as not to impact that project.

Feel free to contact me if you have any other questions.

Sincerely,

Randy D. Lewis
City Administrator
City of Westport

City Hall Administration
360-268-0131
360-268-0921 Fax

Email:
cityhall@techline.com
cityadmin@techline.com

Municipal Court
360-268-0125
360-268-1363 Fax

westportcourt@netcape.net

Police Department
360-268-9197
360-268-1363 Fax

records@olympic.com
chief@olympic.com

Public Works
360-268-0835
360-268-0921 Fax

westportbldg@techline.com
cityplan@techline.com

Fire Department
360-268-9235

wildchief@techline.com

cc: ERS, Kinney

Letter 17

Arden, Hiram T NWS

From: Bradys Oysters [bradys@techline.com]
Sent: Tuesday, January 13, 2004 3:58 PM
To: Arden, Hiram T
Subject: applicant:US Corp of engineers reference:CENS-OD-TS-NS-21R

Dear Hiram:

I would like the Corp of Engineers to do a NEPA study on the Half Moon Bay erosion sight. I am requesting this because as a long-time resident of Grays Harbor, I have seen the beach I love disappear. Half Moon Bay was a great beach to play on when I was a child. I have many happy memories of school field trips, watching Westport's fireworks, and beach walking on this beach. However, I can not provide those same memories of this place to my kids an the beach has eroded. It is obvious that the erosion fixes are not working. I do not think that armoring the beach is the answer. In fact, I do not think we will know the answer until a NEPA study is done. It is in the best interest of the public to not lose a very valuable recreational beach and at the same time spend tax payer dollars on quick fixes. Let us find the best solution by doing a NEPA.

Kristi Ballo
Concerned Citizen
For orders call 1-800-572-3252 or go to <http://www.bradysysters.com>

1/20/2004

Letter 18

Arden, Hiram T NWS

From: BerkleyBarker@aol.com
Sent: Tuesday, January 13, 2004 2:29 PM
To: Arden, Hiram T
Cc: southbeachbulletin@olynet.com
Subject: . PLACEMENT OF SAND. SOUTH JETTY BREACH FILL MAINTENANCE.WESTPORT, WA.

Permit applicant: U.S. Army Corps of Engineers. Reference: CENWS-OD-TS-NS-21R

I would like to make comment for the record on the placement of sand in Half Moon Bay . It has been proven by many Federal, Corps, State and Private studies that the erosion in the area associated with the South Jetty in Westport is in fact caused by the jetty structure itself and the Army Corps of Engineers practice of dredging the channel on the south side. This moved the channel from the North Jetty, it's original position, to where it is today. In the past 50 years hundreds of acres of land adjacent to the jetty and Westport have been lost due to this man made erosion. According to Army Corps maps, the area we now call Half Moon Bay was a land mass that the South Jetty was attached to and extended to what is now the N.W. armoured tip of the Westport downtown marina area. This area was heavily armoured in the early 60,s because the channel was aimed there at that time.

It is time for the Army Corps of Engineers to step up and address the damage caused to the land by thier practices. For the short term they need to place this sand in Half Moon Bay adjacent to Westhaven State Park, just to try and slow the erosion during this year,s storm season. They then need to have a permitted plan in place before next winter's storm season starts.

Obviously it would be cost prohibitive to replace all of the lost land and habitat eroded in the past 50 years, but the Corps should be held accountable and take action now to hold in check the erosion caused by thier structure. The Corps needs to stand up to those that would use this man made erosin for thier own ends and agendas. The Corps has allowed enviromental activists to alter every proven project engineered and tested so far with disasterous results.

Half Moon Bay and Westhaven State Park have become one of the largest tourist attractions and day use areas in the state. To allow the man made erosion to continue would cause an irreplaceable loss to this community and to every one in the state of Washington.

Respectfully

Berkley

Barker

Resident

City of Westport

Board

member Westport/Grayland CofC

Ex

Mayor 1998-2003 City of Westport

1/27/2004

Letter 19

Arden, Hiram T NWS

From: jinx [jinx@olynet.com]
Sent: Tuesday, January 13, 2004 6:28 PM
To: Arden, Hiram T
Subject: Westport HMB, The Cove at Risk

Mr. Hiram T. Arden:

I would like to tell you of my displeasure with the action the COE is planning on taking at Half Moon Bay (Westport). I don't believe any action should be taken without first preparing an Environmental Impact Statement. This Program has included over nine major projects in a decade, and all were implemented without adequate environmental reviews. Each had significant environmental consequences and many have had unintended consequences in relocating the erosion problems to other areas of the beach.

Please give this your immediate attention. Thank you.

Jinx Stedman
South Beach resident for 60 years.

Arden, Hiram T NWS

From: Jim Neva [jneva@portgrays.org]
nt: Wednesday, January 07, 2004 3:08 PM
:
Subject: Hiram Arden (E-mail)
FW: CENWS-OD-TS-NS-21R

> -----Original Message-----

> From: Jim Neva
> Sent: Wednesday, January 07, 2004 3:05 PM
> To: Hiram Arden (E-mail)
> Subject: CENWS-OD-TS-NS-21R

> Hiram,

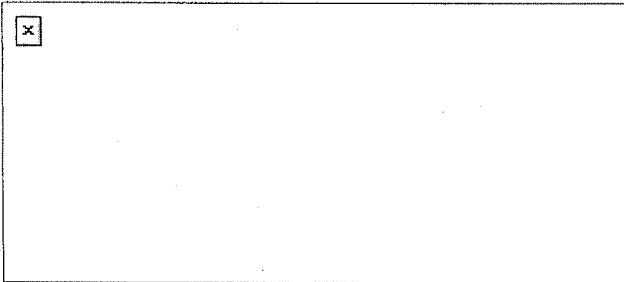
> This is to notify you that the Port of Grays Harbor wishes to go on record
> in support of CENWS-OD-TS-NS-21R, U.S. ARMY CORPS OF ENGINEERS, PLACEMENT
> OF SAND, SOUTH JETTY BREACH FILL MAINTENANCE, WESTPROT, WASHINGTON. We
> believe this project is vital to the maintenance of the Grays Harbor
> Navigation Project and specifacally the integrity of the Grays Harbor
> South Jetty. This interim action is necessary to prevent another breach
> from occuring and threatening the stability of the jetty until a long-term
> plan has been implemented.

> Sincerely,

> Jim Neva,
> Marine Terminals Manager
> PORT OF GRAYS HARBOR

Arden, Hiram T NWS

From: Jerry Gorsline [jerry@wecprotects.org]
Sent: Tuesday, January 13, 2004 10:05 AM
To: Arden, Hiram T
Cc: Kinney, Aimee T
Subject: Public Notice CENWS-OD-TS-NS-21



615 Second Avenue, Suite 380
Seattle, WA 98104

206-622-8103
www.wecprotects.org

Mr..Hiram Arden (OD-TS-NS)
US Army Corps of Engineers
Navigation Section
P.O.Box 3755
Seattle, Washington 98124-3755

Reference: Public Notice CENWS-OD-TS-NS-21

The following comments are submitted in response to the revised 21-day notice of the U.S. Army Corps of Engineers Seattle District's proposal to place approximately 25,000 cubic yards of dredged materials along the shoreline adjacent to Grays Harbor South Jetty.

The Washington Environmental Council ("WEC") is a statewide advocacy organization that works at the state level to improve and enforce our environmental laws. WEC has over 3,000 individual and organizational members throughout Washington.

WEC participated on the Washington State Coastal Erosion Task Force in 1998-99 during which the majority of stakeholders reached consensus on a long-term policy framework for dealing with the issue of coastal erosion. Unfortunately, this framework was never implemented and erosion control activities occurring along Washington's coastline continue to raise significant ecological and fiscal questions. To date, federal, state and local governments continue to respond to concerns over potential damage to private property and public facilities by allowing tons of fill to be placed on public beaches - often at taxpayer expense. This "solution" can have profound impacts to the fish and wildlife habitat and public recreation.

We are very concerned that the Corps' erosion control program in the vicinity of the Grays Harbor South Jetty has included over nine major projects in a decade, and that each project was implemented without adequate environmental review.

This latest proposal will be the fourth placement of dredge materials along the Half Moon Bay shoreline, and appears to be yet another example of an ongoing, piecemeal approach to coastal erosion.

We hereby join with our member group, Friends of Grays Harbor, to call for a comprehensive NEPA environmental review of this action. This environmental review should include an assessment of cumulative impacts to the beach, uplands, and associated fish and wildlife habitats resulting from this and other related Corps

1/27/2004

Letter 22

projects along the Half Moon Bay shoreline. Such an analysis will provide an opportunity for stakeholders to participate in decision-making related to erosion control in the vicinity of the Grays Harbor South Jetty and help define a long-term erosion policy framework that will adequately protect fish and wildlife and public recreation resources in the area.

Thank you for the opportunity to comment.

Sincerely,

Jerry Gorsline

WEC Policy Associate

1/27/2004

Arden, Hiram T NWS

From: Bumelia@aol.com
Sent: Tuesday, January 13, 2004 8:40 AM
To: Arden, Hiram T; Arden, Hiram T
Subject: REFERENCE: CENWS-0D-TS-NS-21R

Hiram T. Arden (OD-TS-NS)
Navigation Section
Post Office Box 3755
Seattle, Washington 98124-3755

REFERENCE: CENWS-0D-TS-NS-21R

This concerns the US Army Corps of Engineers' (USACE) plan to place 25,000 cubic yards of sand in Westhaven State Park and Half Moon Bay, Westport, Washington. There is ample reason to believe that proposed project has a sufficient number of environmental impacts and should receive the benefit of an Environmental Impact Statement (EIS) under NEPA.

My reasons follow.

In the past several years, the USACE has engaged in multifarious projects to control erosion in Half Moon Bay. Each project, independently, had environmental impacts; yet none had received an EIS. Moreover, the projects' cumulative impacts have never been subject to an EIS.

It is safe to say that the USACE's efforts to control erosion in Half Moon Bay and vicinity have been not been successful. That aside, the time has long since come for the USACE to step back, review its efforts, reevaluate its continued expenditure of taxpayers' dollars in this area, and prepare an EIS of past and proposed erosion control projects.

Past efforts to control erosion have significantly reduced public use of the beach at Half Moon Bay. Such efforts have included sand excavation and replacement of sand in the Bay. None has received an EIS. Most or all have contravened Westport's Comprehensive Plan and Shoreline master Program. Recreation activities have been curtailed by such efforts, and no significant benefits have accrued. Moreover, water quality and wetlands have been affected, although the extent of the impacts cannot be assessed without an EIS the USACE steadfastly refuses to conduct.

The USACE's mission in this area is to protect the shipping canal. It is difficult to see how dumping sand in the beach at Half Moon Bay accords with that mission. The USACE should explain how their proposal will further its mission.

Being 74 years old, I believe my continued enjoyment of the amenities of Half Moon Bay have been, and will be, curtailed by the USACE's activities. Whereas in the past, I could gain access to the beaches from numerous approaches, now the approaches are being converted, by the USACE's activities, into cliffs I cannot climb. That may be suitable for

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younger people or older people of athletic or adventurous spirit, but not many.

I hope the USACE will avail itself of this opportunity to conduct a full-scale evaluation of its activities in the Westport area. Times are tough and taxes high. Does the public truly benefit from the USACE's actions here, or is the money being spent to promote and protect opportunities for large scale development hereabouts? If the latter, does that accord with the USACE's mission?

Please conduct a full-scale Environmental Impact Statement before proceeding.

Abraham Ringel
PO Box 221
Grayland, WA 98547



City of Westport

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January 23, 2004

Ms. Aimee Kinney
Environmental Resources Section
US Army Corps of Engineers
P.O. Box 3755
Seattle, WA 98124-3755

Re: South Jetty Beach Nourishment Environmental Assessment
CENWS-OD-TS-NS-21R

The following represent the City of Westport's our comments on the Environmental Assessment (EA) issued for the proposed placement of 25,000 cubic yards of dredged material to repair damage caused by recent erosion and to maintain the breach fill against future erosion until a long term solution can be identified and implemented. The City commends the Corps on the EA and concurs with the proposed Finding of No Significant Impact.

1. WESTPORT SUPPORTS A PROACTIVE APPROACH TO PREVENTING THE REOCURRENCE OF A BREACH

The Corps' approach begins with the recognition that erosion occurring in Half Moon Bay is a complex and dynamic phenomenon. The current erosion experienced in Half Moon Bay results from previous Corps projects, including the construction of the South Jetty that were designed to safeguard the Navigation Channel and to minimize impacts caused by Corps projects on the surrounding environment. Unfortunately, the area continues to experience erosion resulting in part from construction of the wave diffraction mound, gravel transition beach and removal of the remnant jetty. The proposed action is designed to prevent erosive forces directed by these previous actions from undermining the breach fill placed by the Corps to prevent recurrence of a breach at the South Jetty. Additionally, the proposal mitigates the damage caused by erosion at one of the most vital resources in the City, namely Westhaven State Park. The City supports the Corps' efforts to take responsibility to respond to erosive effects caused by Corps structures.

The City supports the approach recommended by the EA in taking preventative action to minimize the potential for a breach. This approach also minimizes any environmental impacts in comparison to the impacts that would be caused by a breach, and the impacts associated with a large-scale response like the 1994 breach fill project.

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The Corps' authority to maintain the breach fill is clear. Its authority to restore areas damaged by erosive forces directed at Westhaven State Park is similar in kind to the authority exercised by the Corps to mitigate impacts from Corps facilities when it entered into the Interagency Mitigation Agreement (IMA) concerning the buried revetment. The Corps has both the authority and a duty to maintain facilities needed to protect the navigation channel, including the jetty, and to provide associated erosion control and protection. All of the activities proposed here are within the area in which the Corps has conducted prior activities in response to the 1993 breach.

2. REPLACEMENT OF SAND FROM RECENTLY ERODED AREAS WILL HAVE LITTLE OR NO IMPACT ON BEACH.

The replacement of recently eroded sand with dredged material is a rational repair of erosion damage by replacement with like materials. Intuitively, the proposal to restore the shoreline to its condition prior to the onset of winter storms will have no significant impacts, either on recreation, public access or beach habitat. We agree with the EA's analysis that the sand placed along the dune will mimic previous conditions along Half Moon Bay and have no significant adverse impacts.

Although erosion of the dredged materials placed on the shoreline is to be expected, there is no difference between the proposed action and the no action alternative in this regard. It makes little difference to the environment affected by such erosion if the source of the eroded sand is from the existing shoreline or the restored shoreline. Thus, there is no reason to expect significant environmental impacts from this proposal. The EA confirms this intuitive observation with analysis of available scientific information.

3. INACTION WILL HAVE SEVERE ADVERSE CONSEQUENCES

By comparison, the consequences of continued inaction will be significant environmental damage to one of the most vital public resources in the City of Westport. The erosive forces from the existing Corps facilities are now directed at the shoreline fronting Westhaven State Park. This park is one of the most frequently visited attractions in the City and is a lynchpin of the local economy. Unfortunately, erosion continues to batter the shoreline along the state park, threatening to wash out the City's ADA accessible trail, the parking and restroom facilities of the park and the access road leading to the jetty itself.

Further erosion could wash these facilities into Half Moon Bay, causing immeasurable damage from asphalt, concrete and other materials in the path of erosion. Indeed, prior experience demonstrates that erosion can accelerate dramatically, creating the

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possibility of a future breach, as occurred in 1993. The consequences of allowing a breach threaten the environment and economic core of the entire region. The impact of a breach on the navigation channel could close the shipping channel jeopardizing access to the only port along the Washington coastline.

The Corps has recognized the devastating consequences in its previous environmental documents, dating back to the original decision to fill the breach in 1994. These consequences include not only a threat to the integrity of the jetty and navigation channel, but to other aspects of the environment. A breach scenario would pose devastating consequences for the environment, including:

- Threatening the viability of the navigation channel and wreaking economic havoc with livelihood of the Grays Harbor economy
- Threatening the stability of the jetty
- Threatening the marina district
- Threatening the City's wastewater treatment plant
- Threatening the buried Pt. Chehalis revetment
- Loss of recreational opportunity at Westhaven St. Park
- Performance of the Corps obligations under the IMA may be rendered impossible

Even without a recurrence of the breach, inaction will result in continuing damage to the environment from erosion caused by prior Corps projects. If erosion in the existing areas is allowed to continue, it will adversely impact recreation and the aesthetics enjoyed by beach users. The growing scarp will only further restrict public access to beach areas, as well as threatening public facilities, such as the bathrooms/changing areas at Westhaven State Park and the City trail.

Moreover, inaction may foreclose the ability of the Corps and others to access the area near the South Jetty. The erosion situation has already eliminated the Jetty Haul Road used for placement of dredge material in the 1994 and 2002 Breach Fill actions. Jetty Access Road is the last publicly owned area of access to reach Westhaven State Park and the South Jetty and is the area where existing easements provide for access. The Corps cannot expect to use the Westport Light Trail from Westport Light State Park for access, since it is for pedestrian use only and does not allow vehicular traffic.

The reason the city trail and state park facilities are threatened is because the Corps has failed to maintain the 1994 breach area. Over time, erosion directed from the Corps' facilities has eroded the 1994 breach fill area despite the Corps' determination to maintain that area through periodic beach nourishment.

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4. CORPS SHOULD BE COMMENDED FOR SELECTION OF SOFT INTERIM
REMEDY CONSISTENT WITH RECOMMENDATIONS OF RESOURCE
AGENCIES AND ENVIRONMENTAL GROUPS

The Corps selection of beach nourishment is consistent with comments offered by multiple resource agencies and environmental groups following the prior proposal to extend the gravel transition beach. The Corps has adopted the recommendations of USFWS, as endorsed by FOGH, Wildlife Forever and Audubon, to:

"Use sand, instead of gravel and cobble, to augment the Half Moon Bay shoreline so that the existing character of the beach is maintained until a long term solution can be developed and implemented." (Letter from Ken Berg, 8/28/03)

Concomitant with the Corps' decision to maintain the existing character of the shoreline in the interim is the responsibility to diligently evaluate and identify long term options. The City of Westport agrees with the position of numerous environmental organizations that this evaluation should proceed and encompass the best available scientific analysis. The Corps' choice of an interim soft remedy allows consideration of the full spectrum of alternatives and does not foreclose any future option. By contrast, allowing unchecked erosion from the existing Corps structures to continue will foreclose available options and could lead to much more intrusive and impactful measures than would otherwise be necessary.

The EA likewise uses available science to predict potential impacts of the sand placement on benthic communities as recommended by the Surfrider Foundation in their prior comments. As the Surfrider Foundation noted,

"Sand plays an important role in the coastal ecosystem, supporting its own biotic community as well as providing nesting spaces, notably for forage fish. It is our hope that if this project proceeds, the use of a smaller size cobble (6" or less) will preserve pockets of sand that will provide critical habitat to a variety of creatures." (Letter from Ian Miller, Surfrider Foundation, 7/26/03)

The Corps' proposal will not only preserve pockets of sand, but replaces the same material lost due to erosion originating from the jetty and wave diffraction mound. This will directly replace lost habitat for a variety of species. The proposal does so in a manner which promotes availability for public recreation and maintains the aesthetic quality of the shoreline to the maximum extent possible. As the Department of Natural Resources pointed out,

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"The DNR's recommendation for the placement of sand as an interim measure would have no significant adverse impacts on recreation and aesthetics in HMB." (Letter from Peter Leon, Department of Natural Resources, 8/21/03)

The only impact on public recreation from the proposal would be the inability to use the City trail due to the stockpiling of sacrificial material. This impact is likely inevitable given the erosion that occurred while the Corps has evaluated the gravel transition beach and the beach nourishment proposals. These impacts on recreation are temporary and appropriate when compared to the benefits of the proposed action, and can be mitigated by future restoration of the city trail.

5. THE PREFERRED ALTERNATIVE IS CONSISTENT WITH THE COASTAL ZONE MANAGEMENT ACT AND CITY SHORELINE REGULATIONS

The City's Shoreline Master Program (SMP), as codified in the Westport Municipal Code (WMC) recognizes the use of dredge spoils for protective areas and to restore areas of high erosion is appropriate. WMC 17.32.055(8)(E)(ii). Indeed this measure is less impactful than other alternatives, such as riprapping, that are also allowed by the City master program.

Westport SMP allows erosion control and stabilization of eroding banks of the shoreline. WMC 17.32.055(4) provides:

Bank line erosion control is authorized as a permitted use, subject to the provisions of this section. Activities permitted within the category of bank line erosion control include riprapping and minor straightening and sloping of the bank line as required to stabilize upland areas and prevent accelerated erosion processes.

Likewise, the Corps project meets the criteria for erosion control in WMC 17.32.055(4)(A-I), as follows:

- The project is an interim measure designed to minimize expense of major breach fill pending consideration of long term options.
- Limited to areas of active erosion and to area needed to maintain integrity of upland structures
- Uses clean sand in order not to impair water quality
- No major modification of bank line – designed to maintain existing character of beach.
- No additional developable uplands will be created.

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- Compaction and upland placement will be used to minimize turbidity.
- No concrete slabs proposed.
- The final project should not exceed a 2:1 slope.
- Vegetation should be placed in restored areas, consistent with surrounding areas.

The project is also consistent with Landfill Standards in the SMP, WMC 17.32.055(8)(D), as follows:

- The project is designed to minimize erosion.
- Clean dredged material (sand) will not adversely affect water quality.
- Maintenance of the South Jetty and prevention of breach are priority water dependant and public uses.

The project is consistent with Clearing and Grading standards in WMC 17.32.055(3):

- It is necessary for the water dependant use of maintaining the jetty and prevention of future breach.
- Maintenance of the primary dune in the public park satisfies SMP standards.
- The project is necessary to address the consequences of the Corps' water dependant use of the South Jetty.
- The restrictions on removal of sand and gravel from marine beaches do not apply to dredge material stockpiled on the beach for this very purpose. Moreover, such material will be replaced following regular dredging conducted by the Corps.

6. THE EA INCORRECTLY TIES EROSION CONTROL PROJECTS TO THE PROPOSED LINKS AT HALF MOON BAY DEVELOPMENT.

The Links at Half Moon Bay resort project has already applied for and been granted needed local permits. The Corps' action will not have any impact on consideration of the Links proposal, which has already completed the local hearing process.

The Links project is located on property created after installation of the jetty nearly a century ago. It is the culmination of 40 years of planning efforts by the City and Port of Grays Harbor going back to 1963. The property has been zoned for development under City zoning and shorelines regulations for well over a decade. The development is not arising because the Corps is now placing sand on the beach.

The City's support for the Corp's project and construction of temporary erosion control

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measures were intended to protect the City trail and Westhaven State Park, not the Links development. The shoreline permit for the Links development was conditionally approved by the City with the requirement that the owner acknowledge the current and future risks of coastal erosion and notifies future owners. Any suggestion in the EA (e.g. at 18) that this was an effort to protect the development is incorrect.

Access to the proposed condominium site, which is part of a secondary phase of the Links proposal, is planned to be approximately 400 feet east of the location of the City's temporary erosion control project. The City's temporary erosion control project was located immediately in front of the City trail adjacent to the state park parking lot, not in front of condominium location.

If erosion proceeds towards the proposed condominium site, it will cut the Corps' access to the jetty before it affects the planned access point to the condominiums. Expert testimony at the Links hearings stated that the most likely scenario for impacting the condominium site is a recurrence of a breach. Such an event would threaten the integrity of the jetty and navigation channel, which the Corps clearly has the authority and duty to safeguard. The impacts of the Links proposal, which will occur regardless of the Corps project, are remote and not causally connected to the Corps' action.

The EA jumps to the conclusion that further armoring of Half Moon Bay will be needed to protect the proposed development. The reasoning in the EA on this matter is circular, entirely speculative and one sided. This action does not promote future development, but protects against a future breach and safeguards existing publicly owned infrastructure. The City is unaware of, and requests the Corps to provide, any study documenting that the proposed future development will be at risk, in any other than a breach scenario. We note that the equilibrium shoreline identified in the Corps' *South Jetty Sediment Processes Study (April 2003)* does not impact the condominium or golf course site.

The possible impacts of Corps erosion on future development are not germane to the existing proposal, which adopts the soft approach advocated by resource agencies and concerned public interest groups to maintain the status quo so that such impacts can be meaningfully evaluated and various alternatives considered. To conclude that future armoring is needed to protect development assumes the conclusion and puts the cart before the horse.

7. THE PROPOSAL WILL NOT CONTRIBUTE TO CUMULATIVE IMPACTS

The City of Westport agrees with interested parties such as FOGH and Wildlife Forever who have previously commented that Westhaven State Park is an important resource

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and point of public access to the coast. This park plays a significant role in the local economy and is an important area of regional recreation. We do not understand the zeal displayed by these groups for the notion that the park should be sacrificed to erosion created by the jetty and associated structures. We strongly urge the Corps to undertake appropriate studies to evaluate and select a long term solution to the erosion that is currently directed at this vital resource.

The City disagrees with the assertion that this interim action is a piecemeal implementation of a larger extension of hard structures across Half Moon Bay. Rather it is an appropriate action to preserve the existing situation pending evaluation of long term options. It is not part of a larger extension of the gravel transition area across Half Moon Bay, nor does it rely on any pretextual emergency to bypass NEPA.

Since this proposal is a limited, interim restoration of the shoreline from recent erosive events, the City does not believe that it will contribute to any cumulative impacts.

The Cumulative Effects Appendix contains much general discussion of the impacts of human occupation in the coastal strand and sand dune communities which is not related to the task at hand. The proper framework for assessing cumulative impacts is to assess the totality of past, current and future proposals to control erosion associated with the jetty. As such, the EA's general discussion of the effects of human habitation in intertidal areas is not related to the cumulative effects of Corps activity. This proposal is unrelated to development proposals in the interdunal area and impacts from such development should be analyzed independently from the current project. Future cumulative analyses should focus on the impact of future alternatives in conjunction with prior actions on Half Moon Bay and along South Beach, which is the affected environment in this case. No impacts from the present proposal to conduct beach nourishment are expected to contribute to such cumulative impacts.

Under applicable NEPA regulations, the Corps must take a "hard look" at the impacts of a project, including cumulative impacts. The EA complies with this requirement and correctly concludes that this project does not add to such impacts. We agree that a long term remedy should be analyzed in conjunction with prior Corps projects. However, the need for action to safeguard the breach fill and prevent damage to important public facilities should not be stagnated by uncertainty as to what future actions will occur. The use of clean sand as an interim measure will not contribute to future cumulative impacts nor foreclose consideration of possible long term options. Thus, the City believes that the EA is fully consistent with the obligations under NEPA.

We concur in the observation of the EA that the placement of sand will mimic natural accretion patterns in Half Moon Bay and will be affected much like the existing

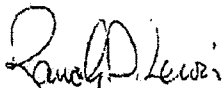
January 23, 2004

Re: South Jetty Beach Nourishment Environmental Assessment
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landscape. EA Appendix B at 6. We also agree that the project will not impact the characteristics or function of other shoreline processes because it is designed to maintain the status quo while a long term evaluation occurs. As such, the Finding of No Significant Impact, based on an EA rather than an EIS is appropriate for this proposal.

Thank you for your consideration. We urge the Corps to proceed with the sand placement without delay.

Sincerely,



Randy D. Lewis
City Administrator

cc: Jeffrey S. Myers
Mayor Michael Bruce
City Council members
Alyson Daly
Harry Hosey

U.S. Department of
Homeland Security

United States
Coast Guard



Commanding Officer
United States Coast Guard
Station Grays Harbor

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Rec'd 1/26/04 AZ

3000
22 JAN 2004

Navigation Section
U.S. Army Corps of Engineers, Seattle District
P.O. Box 3755
Seattle, WA 98124-3755
ATTN: Hiram Arden (OD-TS-NS)

RE: CENWS-OD-TS-NS-21R

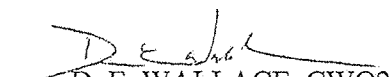
Dear Mr. Arden:

Thank you for the Public Notice of December 24, 2003 and the opportunity to comment on the proposal to place approximately 25,000 cubic yards of sandy dredged materials at the South Jetty breach fill and along a rapidly eroding sandy shoreline adjacent to the Grays Harbor south jetty.

Coast Guard Station Grays Harbor has utilized the area adjacent to the South Jetty every day for operational purposes for countless years. Because of its height, the area of the breach fill provides an ideal location for visual observations of the wave conditions at the entrance of Grays Harbor. This area has also been used as both an observation, access to the beach and staging area during major search and rescue responses. Up until last year, emergency vehicles were able to access this area using the Jetty Haul Road. A large portion of that road has since been lost due to erosion from major storms. We are still able to access the breach area through the State Park, however continued erosion in that area could eliminate that access and remove a vital tool used in our daily operations.

While the project that is currently being proposed will not restore the Jetty Haul Road adjacent to the State Park parking lot, it will provide needed protection to the area so that we can continue using it for operations. As Commanding Officer of Coast Guard Station Grays Harbor I support reasonable efforts by the Corps that are based upon sound technical analysis to protect the areas adjacent to the South Jetty from the negative impacts of further erosion.

Sincerely,


D. E. WALLACE, CWO2
Commanding Officer

Letter 25



STATE OF WASHINGTON

WASHINGTON STATE PARKS AND RECREATION COMMISSION

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Internet Address: <http://www.parks.wa.gov>

TDD (Telecommunications Device for the Deaf): (360) 664-3133

January 20, 2004

Ms. Aimee Kinney
Environmental Resources Section
USACE—Seattle District
POB 3755
Seattle, WA 98124-3755

RE: Public Notice CENWS-OD-TS-NS-21R, Draft EA and FONSI, South Jetty
Breach Fill Maintenance, Westport, Grays Harbor County, Washington
December 2003

Dear Ms. Kinney:

Thank you for the opportunity to comment on the above referenced documents concerning the placement of approximately 25,000 cubic yards of sand in the footprint of the south jetty breach fill and in the southwest corner of Half Moon Bay, which project directly impacts and affects Westhaven State Park.

State Parks recognizes the proposed action is an interim measure intended to reduce the risk of another breach occurring at this site, and that the Corps is recommitting to formulating and implementing a long-term management solution to erosion threats to the south jetty and associated structures. As has been expressed in previous communications to the Corps, as well as to officials of local government and the Port of Grays Harbor, and to other stakeholders, State Parks:

- recognizes the obligation of the Corps under federal mandates to protect the navigation channel and the south jetty of Grays Harbor;
- is supportive of all appropriate, permissible measures to assure the protection of the public's beaches and citizens' safe access to and enjoyment of them;
- commends the Corps for its past and proposed work to reestablish a protective dune and enhance it and its stability with native beach grass plantings;
- considers Westhaven State Park to be an important and prized public facility with annual visitation of approximately 30,000 citizens, a substantial state recreational resource and an economic and quality-of-life asset to the City of Westport;
- is not itself a regulatory agency and defers to its professional colleagues in the state and federal regulatory agencies with respect to permissibility of this and similar projects; and



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- with respect to coastal erosion dynamics and management of Washington citizens' statutorily established Seashore Conservation Area, generally favors "soft" over "hard" solutions, whenever possible, as more sound ecologically and financially in the long-run.. State Parks' contingency planning to remove its portable restrooms and relocate them and its parking lot in the event erosion again threatens, rather than seek "coastal armoring solutions", is consistent with this policy direction of our State Parks and Recreation Commissioners.

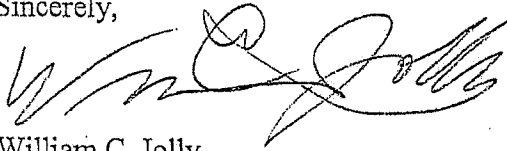
Consistent with the above statements, State Parks is not opposed to the Corps' proposed interim project action. More specific comments on the Draft EA follow.

1. p. 2, Section 1.1 Background, penultimate paragraph. Include information on loss of Corps' haul road and use of Parks access road in lieu.
2. p.3, Section 1.4 Authority. Include information that Corps has a Right of Entry Permit [No. DACW67-9-01-39] from State Parks for access to Westhaven State Park for deposit of materials associated with the rehabilitation of the "South Jetty and Westhaven Breakwater Project". The original Right of Entry has been extended twice and currently is valid through March 1, 2006.
3. p. 12, Section 4 Existing Environment. Mention of the presence of the City of Westport's installed temporary ecology blocks and fabric would be germane. Presumably they will be removed by the City or the Corps as part of the Corps' proposed interim project.
4. p. 14, Section 4.6 Recreation. Add information noting that State Parks, following the 1987 loss of a restroom and paved parking area, subsequently installed restrooms designed to be portable and salvageable for removal and alternative installation in the event future erosion events threatened them. Similarly, State Parks is prepared to remove any road asphalt and to re-locate road and parking lot facilities if necessary to assure harmful materials don't enter the water and that public access and facilities are provided in secure locations.
5. Appendix B Detailed Cumulative Effects Analysis. p. 5, paragraph 2 of information under "Primary Impacts Associated Human Occupation of Coastal Strand and Sand Dune Communities". Structural erosion controls are addressed but non-structural options for managing human occupation and public vs. private risk responsibilities are absent. The report of the Coastal Erosion Task Force submitted to Governor Locke in March 1999 contains much useful discussion of such alternatives to structural "solutions" to coastal erosion. The Task Force consisted of representatives from every major local and regional interest group concerned about coastal erosion, including representatives of the Corps of Engineers.

State Parks welcomes continued positive and constructive cooperation with the Corps and other stakeholders as your long-term management strategy is finally developed and implemented. We appreciate, too, your continued communication with our on-site responsible Park Manager, Ed Girard, at Twin Harbors State Park, with respect to coordinating construction and park access activities .

Thank you again.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. C. Jolly', with a large, stylized flourish at the end.

William C. Jolly
Environmental Program Manager
Stewardship Service Center

Cc State Parks Commissioners
Rex Derr, Director
Frank Boteler, Deputy Director
Chris Regan, Stewardship Service Center Interim Manager
Paul Malmberg, Southwest Regional Manager
Ed Girard, Manager, Twin Harbors State Park
Justine Barton, EPA
Bob Burkle, WDFW
Peter Leon, WDNR
George Kaminsky, Paula Ehlers, WDOE
Randy Lewis, City of Westport
Al Carter, Grays Harbor County Commissioner
Gary Nelson, Port of Grays Harbor
R.D. Grunbaum, FOGH
Brady Engvall, Brady's Oysters